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POLITICAL COMMUNICATION IN THE ROMAN WORLD

Edited by
Cristina Rosillo-López

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Political Communication in the Roman World

Impact of Empire

ROMAN EMPIRE, C. 200 B.C.–A.D. 476

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List of Contributors

Henriette van der Blom
University of Birmingham

Juan Manuel Cortés-Copete
Universidad Pablo de Olavide

Cyril Courier
Université de Aix-en Provence-Marseille

Antonio Duplá Ansuategui
Universidad del País Vasco—Euskal Herriko Unibertsitatea

Martin Jehne
Technische Universität Dresden

Julio Cesar Magalhães de Oliveira
Universidade de São Paulo

Rosario Moreno Soldevila
Universidad Pablo de Olavide

Francisco Pina Polo
Universidad de Zaragoza

Cristina Rosillo-López
Universidad Pablo de Olavide

Catherine Steel
University of Glasgow

W. Jeffrey Tatum
The Victoria University of Wellington

Introduction

Cristina Rosillo-López

Political communication has been considered a redundant expression, taking into account the description “politics *is* communication”.¹ Amongst the ruling elite and in their interactions with citizens, political messages are exchanged and transmitted in political institutions and on specific occasions. Due perhaps to this ubiquity and the extremely close relationship between the concepts, there is no widely accepted definition of political communication.²

The term is deceptively simple, but the multifaceted meaning of its components actually makes it hard to define.³ A definition should include, for instance, not only verbal and written rhetoric, but also symbolic acts of communication. Political communication is also related to the concept of the public sphere, where actors must make known to their fellow citizens their views, opinions, policies, and goals.

Definitions usually emphasise the source of political communication, its contents or its purposes. Cato’s definition of an orator as a *vir bonus dicendi peritus*, that is, a man skilled in speaking and therefore in communicating, is a clear example of focus on the source.⁴ Sanders has described the concept as “informational communication about politics”, accentuating the importance of the content.⁵ Other scholars have highlighted its purposes: Eulau considered the broad definition of political communication as one of the processes, together with political leadership and groups, through which influence is transmitted.⁶ Most modern definitions blend many of these facets, such as concept and purpose: Graber considers that the most defining element of

1 Philip Seib, “Editor’s introduction.” In *Political Communication*. Volumen 1, ed. Philip Seib (London: SAGE, 2008), xxiii.

2 E.g. some debated definitions in Winfried Schulz, *Politische Kommunikation: theoretische Ansätze und Ergebnisse empirischer Forschung*. 2nd edition (Wiesbaden, vs Verlag für Sozialwissenschaften, 2008), 16–17. In general, cf. Schulz, *Politische Kommunikation* on the close (almost inseparable) relationship between politics and communication.

3 Cf. Brian McNair, *An Introduction to Political Communication* (London: Routledge, 2007), 3.

4 Quint. *Inst.* 10.1.1.

5 Karen Sanders, *Communicating politics in the twenty-first century* (New York: Palgrave Macmillan, 2008), 9–10.

6 Heinz Eulau, *Political Behavior. A Reader in Theory and Research* (Illinois: Free Press, 1956).

political communication is constituted by a message that exerts political effect on the thinking or behaviour of individuals or groups.⁷

The study of political communication can be traced back to Plato and Aristotle. As a field of scholarly study, it emerged after the First World War, linked to propaganda studies, and since the 1970s it has established itself as an independent line of academic enquiry. Nowadays it constitutes an interdisciplinary field, which uses concepts from rhetoric, journalism, political science, communication studies, psychology and history, among others.⁸

The historical analysis of previous civilizations from the perspective of political communication proves to be an interesting and fruitful meeting of these disciplines and an enrichment of the conversation in both directions. In the case of Roman history, a number of studies have engaged with this issue in recent years: Jakob has studied public communication in Cicero as *Publizistik*; in 2012 two collective volumes, edited by Mundt and Kuhn respectively, have analysed political communication through this interdisciplinary lens in Imperial Rome and the ancient world in general.⁹

This interaction and exchange of findings and heuristic tools has also benefited the field of political communication. During the last two decades many scholars have criticised the substantial focus of political communication studies on contemporary election campaigns and campaign advertising, with a heavy focus on new media, thus delivering an unbalanced coverage of political communication as a topic.¹⁰ The study of pre-modern political communication provides a focus beyond circumstantial issues and a return to the fundamental ideas and working mechanisms of the subject.

Strategies for communicating political ideas and messages are myriad. This volume, based on a conference held in Seville in 2015, aims to provide a tool for the study of their transmission and exchange in the Roman world, during both

7 Doris A. Graber, "Political Communication Faces the 21st Century." *Journal of Communication* (September 2005): 479.

8 Everett M. Rogers, "Theoretical Diversity in Political Communication." In *Handbook of Political Communication Research*, Lynda Lee Kaid, ed. (New Jersey: Lawrence Erlbaum, 2004), 3–16 for a useful review of the main theoretical perspectives of political communication, from Walter Lippmann's *Public Opinion* (1922) onwards and the watershed moment of World War II, which stressed the social sciences approach to new technologies.

9 Nikolaus Jakob, *Öffentliche Kommunikation bei Cicero: Publizistik und Rhetorik in der späten römischen Republik* (Baden-Baden: Nomos, 2005); Felix Mundt, *Kommunikationsräume im kaiserzeitlichen Rom* (Berlin: De Gruyter, 2012); Christina Kuhn, *Politische Kommunikation und öffentliche Meinung in der antiken Welt* (Stuttgart: Steiner Verlag, 2012).

10 Graber, *Political Communication*, 480–81 on the predominance of articles on election campaigns and campaign advertising (almost a third of all articles, e.g. 2000–2003).

the Republic and the Empire.¹¹ Approaches to political communication must of course adapt to the political regime in place; however, some challenges and issues remain relevant throughout Roman history. This long-term approach provides a more in-depth analysis by focusing on the working mechanisms of political communication.

Recent decades have implied a quantitative and qualitative jump in the study of political communication. Its pervasive character (is all politics political communication?) and its fragmentation into multiple subthemes makes it difficult to establish a cohesive historiographical genealogy. In fact, ancient political communication constitutes a fascinating field, since its study includes the latest historiography about rhetoric, rumours, political epistolography, models of government, the relationship between the people and the elite, public space, discussion and decision-making, to name but a few.

This collective volume takes these issues as a starting point for the exploration of the following main problems: What constitutes political communication in the Roman world? What mechanisms made political communication successful or unsuccessful? In what ways could it be transmitted and represented?

The volume approaches political communication in ancient Rome with an organizational structure divided into five parts. Part 1 discusses the boundaries of political communication and its working mechanisms; this volume's approach stresses that political communication went far beyond rhetoric and formal institutions. Part 2 concentrates on the strategies of transmission of political information in relation to the government of a territory, while the third part analyses political communication from a bottom-up approach, taking into account how people expressed their opinions to the elite. The fourth part provides an opportunity to examine the failure of communication in Roman politics. The final section focuses on the reworking and subsequent representation of political communication.

The first chapters explore the definition of political communication and, by extension, public speech. After decades of studying political communication as representation of oratory in the Roman world, the latest studies are questioning the definition of public speech, as handed down by the rhetoricians. In fact, authors such as Catherine Steel argue that public speech should not be defined through the categories set up by rhetoricians. The completion of the new *Fragments of the Roman Republican Orators*, a project under her direction, will shed more light on this question.

11 The conference was financed thanks to the research project "Opinión pública y comunicación política en la República romana (siglos II–I a de C.)" (2013–43496-P), Ministerio de Economía y Competitividad, Spain.

The first section pushes the boundaries of the nature of political communication. Catherine Steel rejects the consideration of *oratio perpetua*, a textual genre taught and systematised by rhetors, as the only measure for what constituted public speech in Republican Rome. She argues that the published texts give a false impression of unbroken and uninterrupted speech, which was not actually the case, since witnesses talked in the courts, *altercationes* took place in the Senate and people occasionally reacted to speeches in *contiones*. Rejecting that monopoly of *oratio perpetua*, she examines other speeches and interventions before Senate and *contio*, in *consilia* (where it was private but structured) and, finally, unplanned encounters (which were public but not structured). She proposes that communication in these venues and on these occasions should be considered alongside formal *oratio perpetua* as an element of public speech in Rome.

Alongside this novel approach to political communication and public speech, the next two chapters tackle the question of such communication outside the boundaries of formal political institutions, such as the Senate, *contiones* or assemblies.

Cristina Rosillo-López examines senatorial political communication through meetings and conversations as a way for the elite to connect with one another, going beyond communication in formal settings. Delving into the spatial turn applied to politics (cf. *infra*), she analyses how information circulated in the last century of the Roman Republic, in a political world with no established parties and in which alliances changed frequently. To survive and thrive, Roman politicians needed to be aware of what their peers thought, something they achieved by talking informally to one another constantly, either directly or through intermediaries. The circulation of information was also closely related to physical space and elite sociability, with groups of people acting as disseminators of information, from *tonsores* and *circulatores* to *circuli*. Furthermore, such political communication amongst the elite bypassed friendship and provided a way for enemies to talk to one another. Through a study of the conversations between Cicero and Pompey, Rosillo-López argues that their relationship should be conceptualised from a more complex point of view, with Cicero enjoying direct and private access to Pompey while at the same time proceeding with caution and even attempting to hide his own lack of information. These meetings and conversations played an important role as preparation work for many political deals and agreements, such as the passing of laws or the voting of *supplicationes*, thus constituting a crucial means of political communication.

Governing any territory before the revolution of communications in the 19th century, regardless of its dimensions, required the establishment of a

successful and effective means of exchanging information. The papers in Part 2 outline three perspectives on this question and present different modalities of communication: first of all, communication amongst the elite, through personal representatives and through letters; secondly, communication with the ruled as a complex and active system of government.

W. Jeffrey Tatum examines one such informal occasion for elite social intercourse: the *adlegationes*, that is, the sending of personal representatives or intermediaries on private matters. This study offers a new structure for the social and political nuances of intermediation. In the world of the senatorial elite, that implied the gathering of important connections to speak with somebody on his behalf, which placed the *adlegatio* in the broader framework of social negotiations of aristocratic power. In fact, whether in person or through letters, the *adlegatio* aimed at winning over the nobility by showing them honour rather than putting them under pressure. The event was sufficiently public to advertise such a wealth of connections, but at the same time it also permitted those involved to save face if the request was denied: it did not threaten the status of either party. Intermediation without *adlegatio* could also work, as suggested by the case of Metellus Numidicus' exile and restoration, which he achieved by transmitting *sordes*, detachment and a show of superiority, while his family made efforts at home on his behalf. Hence *adlegatio* constituted a powerful tool of communication at a distance while being limited in order to control aristocratic competition.

Francisco Pina Polo's chapter examines the modalities of transmission of political communication. He demonstrates the importance of social networks of friends and allies when a senator sojourned outside Rome, since such an unofficial postal system remained the only source of information and connection with the city. Through the study of Cicero's correspondence in the years 59–58, that is, just before and during his exile, Pina Polo shows the variety of political information that was exchanged, including news, rumours and even copies of official documents in several instances; it was enough for Cicero not only to be kept informed but also occasionally to try to influence events and decisions in Rome from afar. In a Republican context, being informed was key to political survival.

Such reflection could also be transposed centuries later, and hence Juan Manuel Cortés-Copete provides a counterpart to this study. If Pina Polo has disclosed how the unofficial letters exchanged by a member of the ruling elite of the Late Republic aimed at gathering information and ensuring political survival, Cortés-Copete analyses the official documentation of Hadrian's chancellery to illustrate how the emperor improved a system that allowed him to be more responsive to his subjects. Since Millar's seminal study, the

petition-and-response model suggested an emperor who governed in a responsive manner to the requests presented by his subjects; he was prompted to action only by exogenous forces.¹² The latest studies have begged for a re-interpretation of the evidence: Ando has brought to attention the fact that instructions to governors *ex ante* (*mandata*) were delivered as a guide to action. The circulation of such normative texts, establishing a general rule, and the re-interpretation and re-application of them in later cases, presented a more active model than that of a reactive, passive government.¹³ Cortés-Copete examines the quantitative and qualitative transformation of an emperor who wrote five times more *rescripta* as answers to petitions than his predecessors and gave them universal legal value. Hadrian felt the need to be precisely and independently informed in order to reach a decision; hence, the emperor who travelled and the emperor who wrote letters complemented each other in order to create a proto-bureaucratic government structure with a more active form of government and a more direct relationship with his subjects. Through the term “integrated management”, Cortés-Copete considers that petitions were in many cases the consequences of initial imperial actions, which allowed the emperor to establish a dialogue and fluid communication with cities, communities and governing bodies. As such, the mechanism of petition should not be linked to a passive mode of government but rather to a proactive way of ruling.

In Part 3, the exchange of political communication in relation to the people, from a bottom-up approach, is represented by the papers of Courier and Magalhães de Oliveira, who both pay attention to the transmission of political communication by the urban plebs and the challenges that it constituted, especially in Imperial times. Both chapters posit a view of the urban plebs far from its description as a shapeless and mindless mass. What is revealed by an analysis of history and political communication that focuses on the people instead of paying attention exclusively to the elite?

Such debate has been lively of late, for both Republican and Imperial times. The study of the working mechanisms of political communication in the time of the Roman Republic is inextricably linked to the debate about the degree of popular participation or involvement in politics and its relationship with the Roman aristocracy, concentrated on the alleged “democratic” nature, or otherwise, of the Republican system.¹⁴ The oligarchic model, a political system

12 Fergus Millar, *The Emperor in the Roman World* (London: Duckworth, 1992).

13 Clifford Ando, “Petition and response, order and obey: contemporary models of Roman Government.” In Michael Jursa and Stephan Prochazka, eds., *Governing Ancient Empires*, forthcoming.

14 For two useful critical historiographical surveys of the debate see Martin Jehne, “Methods, Models, and Historiography.” In *A Companion to the Roman Republic*, ed. Nathan S.

completely dominated and controlled by a closed elite, was mainstream during the nineteenth century and a good part of the twentieth century. What has been termed the “communicative turn” started with Nicolet, Veyne and Millar, who proposed that the Roman Republic was not ruled exclusively by an oligarchy of senators; the roles of the people at several places and times had to be taken into account, from voting assemblies and *contiones* to publicity.¹⁵ In all these cases, speech and communication were the main media through which that interaction between elite and the people took place, and through which political content was communicated.¹⁶ The main differences between the scholars depend on whether they regard that communication as a symbolic gesture or as an effective and significant tool in the interaction between elite and the people.¹⁷

Rosenstein and Robert Morstein-Marx (Malden: Blackwell, 2006), 3–28; Frédéric Hurlet, “Démocratie à Rome. Quelle démocratie? En relisant Millar (et Hölkeskamp).” In *Rome, a City and Its Empire in Perspective. The Impact of the Roman World through Fergus Millar’s Research*, ed. Stéphane Benoist (Leiden: Brill, 2012), 19–44.

- 15 Jehne, *Methods, Models*, 13–14 for a historiographical review. For Millar’s argument about the democratic character of the Republic, cf. Fergus Millar, “Popular Politics at Rome in the Late Republic.” In *Leaders and Masses in the Roman World. Studies in Honor of Zvi Yavetz*, ed. Irad Malkin and Z.W. Rubinson (Leiden: Brill, 1995), 94; supported by Andrew Lintott, *The Constitution of the Roman Republic* (Oxford: Oxford University Press, 1999), 199–208, who termed “some kind of democracy”. Criticism in John A. North, “Democratic Politics in Republican Rome,” *Past and Present* 126 (1990): 3–21. Comments on North in William V. Harris, “On Defining the Political Culture of the Roman Republic: Some Comments on Rosenstein, Williamson, and North.” *Classical Philology* 85,4 (1990): 288–94. A review of criticism of this use in Hurlet, *Démocratie à Rome*, 32–37. Cf. also Francisco Pina Polo, *Las contiones civiles y militares en Roma* (Zaragoza: Universidad de Zaragoza, 1989); Francisco Pina Polo, *Contra arma verbis: der Redner vor dem Volk in der späten römischen Republik* (Stuttgart: Steiner Verlag, 1996); Alexander Jakobson, *Elections and Electioneering in Rome. A Study in the Political System of the Late Republic* (Stuttgart: Steiner Verlag, 1999); Robert Morstein-Marx, *Mass Oratory and political power in the late Roman Republic* (Cambridge: Cambridge University Press, 2004).
- 16 Fergus Millar, “Politics, persuasion and the people before the Social War.” *JRS* 76 (1986): 1–11. Fergus Millar, *The Crowd in Rome in the late Republic*. Ann Arbor: University of Michigan Press, 1998.
- 17 Martin Jehne. “Jovialität und Freiheit. Zur Institutionalität der Beziehungen zwischen Ober- und Unterschichten in der römischen Republik.” In *Mos maiorum. Untersuchungen zu den Formen der Identitätsstiftung und Stabilisierung in der römischen Republik*, ed. Bernhard Linke and Michael Stemmler (Stuttgart: Steiner Verlag, 2000), 207–35; Karl-Joachim Hölkeskamp, *Reconstructing the Roman Republic: An Ancient Political Culture and Modern Research* (Princeton: Princeton University Press, 2010); Karl-Joachim Hölkeskamp, “What’s in a text? Reconstructing the Roman Republic—Approaches and aims once again.” *Bulletin of the Institute of Classical Studies* 54,2 (2011): 115–24. Henrik Mouritsen,

This debate remained important after the end of the Republic. In his seminal book, Yavetz brought to the fore the fact that the urban plebs played an important political role during the Empire and hence that their image as a fickle mob should be reconsidered.¹⁸ Courier's monograph has lately highlighted how the people under the Principate were not depoliticised, since they enjoyed direct access to the *princeps*, who also respected certain norms that the urban plebs of Rome held into consideration.¹⁹ Such a role of the people was not exclusive to the city of Rome: Magalhães de Oliveira's book analyses how the inhabitants of African cities in the fourth century CE interacted with local political and religious issues and expressed their own agency throughout.²⁰

This collective book goes beyond this debate since, as Hurlet has argued elsewhere, regardless of the model in mind, political life is associated with the integration of the greatest possible number of citizens with an effective political communication.²¹

The study of rumours has proved of late to be an exciting field to advance the debate about political communication and the role of the people.²² Rumours are no longer considered exclusively a way in which ancient authors, such as Tacitus, mentioned discreetly their own sources, nor are they seen purely as a literary element (cf. Courier's chapter for more detail about this subject). Regardless of the nature of the political regime, rumours appear to be an important channel of communication and a means to negotiate politics.

This new interpretation of rumours and political communication is also linked to another fruitful research trend, that is, the "spatial turn", concerned

Plebs and Politics in the Late Roman Republic (Cambridge: Cambridge University Press, 2001). This trend has also been studied by archaeologists; see Paul Zanker. *The Power of Images in the Age of Augustus*, Ann Arbor: The University of Michigan Press, 1988.

18 Zvi Yavetz, *Plebs and Princeps* (Oxford: Clarendon Press, 1969).

19 Cyril Courier, *La plèbe de Rome et sa culture (fin du II^e siècle av. J.-C. - fin du I^{er} siècle apr. J.-C.)* (Rome: École française de Rome, 2014).

20 Julio C. Magalhães de Oliveira, *Potestas populi. Participation populaire et action collective dans les villes de l'Afrique romaine tardive (vers 300–430 apr. J.-C.)* (Turnhout: Brepols, 2012).

21 Frédéric Hurlet. "Les métamorphoses de l'imperium de la République au Principat." *Pallas* 96 (2014): 13–33.

22 Ray Laurence, "Rumour and Communication in Roman Politics," *Greece and Rome* 41 (1994): 62–74; Cristina Rosillo-López, "'Temo a los Troyanos': Rumores y habladurías en la Roma tardorrepública," *Polis* 19 (2007): 113–34; Francisco Pina Polo, "Frigidus Rumor: the Creation of a (negative) Public Image in Rome," in *Private and Public Lies. The Discourse of Despotism and Deceit in the Graeco-Roman World*, ed. Andrew Turner, James Kim On Chong-Gossard and Frederik Vervaeke (Leiden – Boston: Brill, 2010), 73–90.

with studying activities within the city, with a special emphasis on movement to, and through, urban spaces. Architecture no longer constitutes a stationary element, but serves a purpose, whether to hinder or to facilitate movement around the city. Laurence and Newsome's collective monograph about space and movement in Rome presents a selection of articles related to these new questions.²³ O'Sullivan and Östenberg, for instance, have called attention to the political and communicative relevance of an apparently simple act like walking.²⁴ More recently, Russell has revisited the notions of the spatial turn and public space related to politics.²⁵

Linked to all these subjects, Cyril Courier's contribution studies rumours and the plebs in the first century CE from the point of view of interactionist sociology, considering rumours as the background noise of political life: that is, a means of communication and social interaction but also as levers for collective action, which provided intentionality or conscious intentions to social actors. He points out that the dissemination of rumours did not always imply a deliberate attempt to contest power. Rumours, shared through sociability, constituted a form of deliberation in which social actors could play a part, and through which the plebs could dialogue with the imperial power, bypassing the emperor's apparent monopoly over political speech.

Julio Cesar Magalhães de Oliveira analyses the rumours and protests following the deaths of emperors in Late Antiquity in order to show how the urban plebs and religious factions used official and especially unofficial news as a way to mobilize. Despite the emperors' efforts to control the flow of political information, rumours arose as attempts to give meaning to unexplained or ambiguous situations, especially when the usual channels of information did not provide the kind of political information that was demanded, thus creating alternative routes. It was not circumstances that prompted action, but rather the processes of commentary and the interpretation of facts, which allowed the evaluation of the political environment and a process of collective deliberation.

23 Ray Laurence, and David J. Newsome, *Rome, Ostia, Pompeii: Movement and Space* (Oxford: Oxford University Press, 2011), vii.

24 Timothy O'Sullivan, *Walking in Roman Culture* (Cambridge: Cambridge University Press, 2011); Ida Östenberg, "Power Walks: Aristocratic Escorted Movements in Republican Rome." In *The Moving City. Processions, Passages and Promenades in Ancient Rome*, ed. Ida Östenberg, Simon Malmberg and Jonas Bjornebye (London: Bloomsbury, 2015), 13–23.

25 Amy Russell, *The Politics of Public Space in Republican Rome* (Cambridge: Cambridge University Press, 2016).

Part 4 deals with the failure of political communication, applying many of the concepts and categories outlined previously. Duplá Ansuategui and Jehne illustrate two different failures of political communication. Firstly, the failure to conduct dialogue and negotiation; secondly, failure related to the conception of political communication as linked to political reality instead of an affirmation of the position of a specific group.

Antonio Duplá Ansuategui understands political communication in the sense of discussion, concession and agreement. In this sense, the use by Cicero of a conscious political and rhetorical strategy, which presented his opponents as deprived of their rights as Roman citizens and hence fostering violence against them, attests to such failure. Through a rhetoric of fear and exclusion, Cicero refused any possibility of negotiation. Thus, the chief factor in the breakdown of the Republic was a breakdown in political communication.

Martin Jehne deals with the anti-Caesarians reactions just before and during the first moments of the civil war of 49 BCE. He questions the rationale of those who were in charge after the declaration of the *senatus consultum ultimum* against Caesar, their inconsistencies and especially their lack of sufficient preparations. In his opinion, the situation in the last years before the civil war could be considered an “involution”, in the sense that, even though the benefits of a particular way of behaviour became blurred, people did not change their conduct. Jehne suggests that the failure of the anti-Caesarians should be linked to the failure in political communication, since they were no longer responsive to reality or even to the Senate’s wishes. In line with the latest conceptions of the spatial turn applied to politics, he posits that Roman politics had become a local and small world, physically restricted to approximately one square kilometre where the majority of the elite members also lived. Despite the growth of the Empire, the political centre remained the same size. Hence such denial of reality should be linked to the narrowing mental and geographical perspective of Roman politics.

Part 5 examines the representation and interpretation of political communication *post hoc*, dealing with issues of metacommunication. Could political communication have an afterlife outside the political context, time and setting where it was born? Can political communication survive as such?

Henriette van der Blom delves into that question by examining how imperial authors viewed Republican political communicators and how they analysed and conceived them outside their political context. It was not a moot question, since the style of oratory became a huge political issue in Imperial times. By focusing on Tacitus’ *Dialogus de Oratoribus* in comparison with the judgements on Republican oratory by Velleius Paterculus, Quintilian or Pliny the Younger, she sheds light on how the transmission of Republican political

communication was removed from its original context and relocated into a literary framework.

In contrast, Rosario Moreno Soldevila evaluates another type of relocation of political communication: that of how a previous political message could be adapted to a new political climate. Through an analysis of the revised edition of Martial's book 10, Moreno Soldevila examines how political communication could be retouched and transformed later; Martial did not present a completely new self-portrait, but revisited the motifs and reconsidered his views from Domitian's time. In contrast, Pliny's strategy focused on stressing the supposed dangers that had threatened him, playing down his political career and highlighting his friendship with Domitian's victims.

In conclusion, ancient Rome constitutes an interesting challenge for the study of political communication. Taking into account the latest scholarly developments and the positive intersections with sociology and political sciences, this book has only grazed the surface of an exciting and promising research field. The editor hopes that the questions and problems presented in this collective monograph will prove stimulating to future efforts.²⁶

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PART 1

Speech and Mechanisms of Political Communication



Defining Public Speech in the Roman Republic: Occasion, Audience and Purpose

Catherine Steel

The importance of public speech as a form of political communication and a means to political action in the Roman Republic is widely acknowledged.¹ The role of the citizen body in determining policy through voting on legislative proposals combined with public speech as the key medium for disseminating information and debate ahead of voting ensured that oratory played a prominent role in political life.² However, the definition of “public speech” itself has received relatively little attention in these discussions, whose focus is generally on formal speeches whose purpose and format is defined by audience, context and aim. These speeches reflect the divisions of ancient rhetorical theory through which its practitioners were instructed: forensic speeches, particularly those delivered at trials held in the *iudicia publica*; deliberative speeches to the people and to soldiers, at *contiones*, and to the Senate; and, to a modest extent, largely involving speeches delivered at funerals, epideictic oratory.

However, to restrict the definition of “public speech” to these formal categories of oratory distorts our understanding of the role of public speech in political life in the Republic because it leaves out many interactions which involved the public oral exchange of views but which did not take the form

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- 1 Fergus Millar, “The political character of the classical Roman republic, 200–151 B.C.”, *JRS* 74 (1984): 1–19; Fergus Millar, “Politics, persuasion and the people before the Social War”, *JRS* 76 (1986): 1–11; Martin Jehne, ed, *Demokratie in Rom? Die Rolle des Volkes in der römischen Republik* (Stuttgart: Franz Steiner, 1995); Karl-Joachim Hölkeskamp, *Senatus populusque romanus: die politische Kultur der Republik. Dimensionen und Deutungen* (Wiesbaden: Steiner, 2004); Joy Connolly, *The State of Speech: Rhetoric and Political Thought in Ancient Rome* (Princeton: Princeton University Press, 2007); Karl-Joachim Hölkeskamp, *Reconstructing the Roman Republic* (Princeton: Princeton University Press, 2010).
 - 2 Fergus Millar, *The Crowd in Rome in the late Republic* (Ann Arbor: University of Michigan Press, 1998); Henrik Mouritsen, *Plebs and politics in the late Roman Republic* (Cambridge: Cambridge University Press, 2001); Robert Morstein-Marx, *Mass Oratory and political power in the late Roman Republic* (Cambridge: Cambridge University Press, 2004); Catherine Steel and Henriette van der Blom, *Community and Communication: oratory and politics in Republican Rome* (Oxford: Oxford University Press, 2013).

of *oratio perpetua*. These gaps are in large part a direct result of the nature of the source material, the written speeches which survive from the Republican period. The difficulties which arise from the fact that complete texts of speeches survive from only one speaker, Cicero, and that the fragments of speeches that survive from his predecessors and contemporaries are few in number and short in length, are well-known. But dependence on Cicero is not the only problem in this particular case. Written speeches were a simplifying device: they were highly selective in terms of the kinds of public speech they recorded, privileging the single speaker and uninterrupted speech, and imposed considerable editorial shaping on the texts themselves. In short, the *oratio perpetua* of written Roman oratory offers only a partial glimpse of the oral political culture of the Republic, and would do so even if the complete *corpora* of the speeches of Cato, Gaius Gracchus, Licinius Calvus and the other orators whose texts circulated alongside those of Cicero in the late Republican and early imperial periods had survived. This paper starts by exploring the differences between the picture of public speech presented in Cicero's oratorical texts and what we may hypothesise actually took place, in terms of the format of speaking. It then turns to the kinds of public speech which were not recorded through the medium of oratorical texts: cross-examinations in the Senate and in front of the people, the meetings of a politician's *consilium*, and exchanges which took place outside formally defined meetings. These other venues and occasions required oratorical skill and technique and were politically significant: they need to be considered alongside formal *oratio perpetua* in analysing the role of public speech at Rome.

1.1 The Representation of Reality in the Texts of Oratory

The extent to which Cicero altered the words that he had said when he came to disseminate a written version of speech has been the subject of intense and inconclusive debate.³ Much of this debate has focussed on the arguments and attitudes which the speeches display and the possibility that these aspects reflect a degree of hindsight.⁴ However, the broader question of the format

3 Michael C. Alexander, *The Case for the Prosecution in the Ciceronian Era* (Ann Arbor: University of Michigan Press, 2002), 15–26 offers a comprehensive summary.

4 Dominic H. Berry, "The publication of Cicero's *pro Roscio Amerino*", *Mnemosyne* 57.1 (2004): 80–7.

of written oratory also requires attention.⁵ Cicero's speeches—and, as far as we know, those of his predecessors and contemporaries which also circulated in written form—offer continuous, unbroken texts of considerable length which acknowledge the audience's existence but do not engage reciprocally with it. There is some variation within this model, particularly around length, which appears to correlate with rhetorical genre: some of Cicero's deliberative speeches are extremely short, whereas none of his forensic ones are.⁶ Yet despite these variations in length, all the written speeches which survive support a model in which the Roman orator spoke uninterruptedly and did so in a context which provided a clear generic definition, and consequently audience expectation, for his or her words.

The impression of unbroken and uninterrupted speech which Cicero creates, and which was also created by the texts which circulated from other orators, is unlikely to be entirely accurate: there are good reasons to conclude that public speech was much more prone to interruption and disjunction than this textual picture of independent and autonomous speakers indicates. The debate on the relationship between speech and text has focussed on a range of possible editorial interventions; one of particular interest here is the relationship between an advocate's words and the material, written and oral, he elicited from witnesses.⁷ An example from Cicero's defence of Cluentius in 66 indicates how the text as disseminated could allude to, whilst omitting, such information. When Cicero finally turned to the charges of poisoning against his client, one of the three incidents he discussed (166–168) was the sudden death of a man called Balbutius, who, the prosecution appears to have alleged, died after Oppianicus' wedding party at which he had drunk a glass of wine intended for Oppianicus himself. Cicero's brief discussion of this charge concentrates on the fact that Balbutius died not on the day of the wedding but after

5 Manfred Fuhrmann, "Mündlichkeit und fiktive Mündlichkeit in den von Cicero veröffentlichten Reden", in *Strukturen der Mündlichkeit in der römischen Literatur*, ed. Gregor Vogt-Spira (Tübingen: Narr, 1990), 53–62; Jean-Michel David, "Les procès-verbaux des *judicia publica* de la fin de la République romaine", in *Urkunden und Urkundenformulare im klassischen Altertum und in den orientalischen Kulturen*, ed. Raif Georges Khoury (Heidelberg: Winter, 1999), 113–25.

6 So, for example, reports to the people of debates held in the Senate, such as the fourth *Catilinarian* and fourth *Philippic*, tend to relative brevity.

7 A number of Cicero's speeches contain headings which suggest that the written text has omitted some arguments (*Font.* 20; *Mur.* 57; *Cael.* 19) but these do not necessarily refer to witness evidence rather than an expanded argument which Cicero offered in court but elected to omit when disseminating the text.

an illness lasting *aliquot dies*, rather than, as the prosecution claims, *statim*. He says that the dead man's father can confirm this point:

What is the evidence for this? The same man as is witness to his loss: his father. The father, I repeat, of that young man; a man whom fragile suspicion might, given his distress of mind, have made a witness against Aulus Cluentius yet who instead is rescuing him with his evidence; please read it out. And, if it is not too much trouble, please also briefly rise; bear the pain of this unavoidable description; I shall not dwell on it longer than I must, since you have done what befits an excellent man and prevented your grief from bringing disaster and false accusation against an innocent man.⁸

There was a written statement from Balbutius senior about his son's illness and death, which, Cicero implies, was read out at this point in his speech; and Balbutius was present in court and available to give his evidence orally as well. At what point did he do so? Procedure in the *iudicia publica* indicates that the witness evidence was presented and witnesses cross-examined after the prosecution and defence had presented their cases.⁹ Yet Cicero's text here strongly suggests that he paused to allow Balbutius' evidence to be presented (which does not mean that Balbutius was not also summoned during the witness phase of the trial).¹⁰ If we accept that the texts of Cicero's speeches

8 Cic. *Clu.* 168: "quis huic rei testis est? idem, qui sui luctus, pater: pater, inquam, illius adulescentis: quem propter animi dolorem pertenuis suspicio potuisset ex illo loco testem in A. Cluentium constituere, is hunc suo testimonio sublevat; quod recita. tu autem, nisi molestum est, paulisper exsurge: perfer hunc dolorem commemorationis necessariae: in qua ego diutius non morabor, quoniam, quod fuit viri optimi, fecisti, ut ne cui innocenti maeror tuus calamitatem et falsum crimen adferret."

9 Abel Hendy Jones Greenidge, *The legal procedure of Cicero's Time* (Oxford: Clarendon Press, 1901), 477–95; Bernardo Santalucia, *Diritto e processo penale nell'antica Roma*, 2nd ed. (Milano: Giuffrè, 1998), 172–78; Andrew Lintott, "Legal Procedure in Cicero's Time", in *Cicero the Advocate*, ed. Jonathan Powell and Jeremy Paterson (Oxford: Oxford University Press, 2004), 61–78; Charles Guérin, *La voix de la vérité: témoins et témoignage dans les tribunaux romains du I^{er} siècle av. J.-C.* (Paris: Les Belles Lettres, 2015), 93–140.

10 Similar examples can be found throughout the second hearing against Verres, involving written evidence (*Verr.* 2.1.37, 57, 79, 83–4, 94, 96, 106, 128, 143, 150; 2.2.24, 183; 2.3.26, 45, 74, 83, 89, 100, 103, 123–4, 126, 154, 168, 175; 2.4.12, 53, 143; 2.5.54, 62); cf. also *Clu.* 148 (at which the transmitted text includes the words from the law which Cicero has asked to be read out); *Flacc.* 79; *Sest.* 10; *Cael.* 55. On Cicero's use of written evidence, Shane Butler, *The Hand of Cicero* (London: Routledge, 2002).

aim for verisimilitude, even if not necessarily verbatim accuracy, then this passage would indicate that the forensic orator could pause his own words to bring in another's voice in court itself, whilst preserving the illusion of a single speaker in the published version.

In addition to the interruption into advocates' speeches of witness evidence, whether written or spoken, it is evident that the cross-examination of witnesses was an integral element in most trials and required a distinct set of skills. This fluid and potentially unpredictable material was often extremely important in determining the outcome of a case, as shown not least by the radical changes which Pompeius introduced in 52 in terms of how such evidence was to be handled during trials. Under his new procedure, witness evidence was heard first; only after it had been heard, and the witnesses cross-examined, did the advocates have the opportunity to present their cases, and the time which they had was also curtailed.¹¹ Yet we get little sense of the handling of witnesses from the surviving oratorical corpus. In *Vatinium* is a novel and, within the Ciceronian corpus, unique attempt to capture and preserve a cross-examination, but it still adopts the format of *oratio perpetua*.¹² Trials in the *iudicia publica* involved a much wider range of activity than continuous speeches by advocates.¹³

The situation in relation to deliberative speeches was slightly different. Speech to the Senate or to the people could in theory take place without interruption. In practice, however, a degree of reciprocal exchange and consequent disruption to *oratio perpetua* appears to have been frequent, even universal.¹⁴ The Roman people expressed their views on what they heard at *contiones* in a variety of ways: vocal approval or disapproval, applause, gesture and ultimately the fact of their presence, or their choice to depart, were all ways in which audience communicated to speaker. A speaker was not compelled to respond to these demonstrations from his audience, but might choose to do so; and a speaker who failed to respond to his audience's wishes affected his chances of persuading them, and ultimately of continuing even to have an audience. Some instances of audience response might well be ones which a speaker had

11 Asc. 36C; 39C; 53C; R.G. Lewis, *Asconius: commentaries on speeches of Cicero* (Oxford: Oxford University Press, 2006) *ad loc.*

12 On *In Vatinium*, Claudia Bensi, "Su alcuni aspetti dell'*In Vatinium* di Cicerone" in *La repressione criminale nella Roma repubblicana fra norma e persuasione*, ed. Bernardo Santalucia (Pavia: IUSS, 2009), 427–58; Guérin, *La Voix*, 148–54.

13 Leanne Bablitz, *Actors and Audience in the Roman Courtroom* (London: Routledge, 2007); Jon Hall, *Cicero's Use of Judicial Theater*, (Ann Arbor: University of Michigan Press, 2014).

14 Morstein-Marx, *Mass Oratory*, 119–59.

intended to elicit: as Morstein-Marx demonstrates, Cicero's contional speeches contain invitations to his audience to respond to what he had said in a particular way.¹⁵ An orator who chose to write up a contional speech for dissemination had to decide how to reflect in his speech its interaction with the audience: without breaking the illusion of a single continuous speech, the written version might include changes which recorded, in smoothed over form, moments at which the speaker responded to his audience's expressed views, as well as marking points at which the speaker paused in the expectation of a favourable response.

Oratory in the Senate took place within what was in some respects a highly structured framework of debate, particularly in terms of the order in which members were called to speak, the obligation on those called to express a view (though this could always consist simply of agreement with the position of an earlier speaker) and the amount of time available for discussion.¹⁶ In other respects, however, senatorial debate at Rome appears to have been fairly free; in particular, speakers seem to have been at liberty to diverge from the stated topic of debate, and the filibuster was an established manoeuvre. The Senate could express its approval of speeches, though there is unfortunately relatively little evidence as to whether, and if so in what ways, a senatorial audience conveyed to a speaker a sense that he had gone on too long. Cicero's senatorial oratory tends to be much briefer than his speeches in other genres (apart from reports to the people of senatorial debates); it is also evident that he imposed a very high degree of selection in what he disseminated of his senatorial oratory in written form, which would be consistent with many of his senatorial contributions being short and unelaborated and as a result not considered viable candidates for dissemination in written form.¹⁷ Even among his published senatorial speeches, it is possible that some amplification has taken place in the written version. A possible example is the speech *De prouinciis consularibus*. Although we need not doubt that Cicero made this unexpected statement of support for Caesar's ongoing military command in Gaul to the Senate in the early summer of 56, and that it produced a considerable effect on its immediate audience, some elements of the speech, and particularly the invective against Piso and Gabinius, are perhaps less plausible in the context of oral

15 Morstein-Marx, *Mass Oratory*, 136–43.

16 Francis X. Ryan, *Rank and Participation in the Republican Senate* (Stuttgart: Steiner, 1998); Andrew Lintott, *The Constitution of the Roman Republic* (Oxford: Oxford University Press, 1999).

17 See the material gathered in Jane W. Crawford, *M. Tullius Cicero: the Lost and Unpublished Orations* (Göttingen: Vandenhoeck and Ruprecht, 1984).

delivery. Given what we know about Cicero's motives in contributing to this debate on the consular provinces, the written text was at least as important as the actual contribution to a senatorial debate leading up to a vote (at which Cicero's proposal was rejected), not least because a text could be dispatched to Caesar and to Pompeius; we can therefore reasonably suspect that conventions of textual dissemination, as well as Cicero's own ends, led to some degree of amplification.

1.2 Alternatives to *oratio perpetua*

Furthermore, uninterrupted speech by senators was not the only form of speech that took place in the Senate: direct and often hostile exchanges between senators were another format. In May 61, shortly after Clodius had been acquitted of the charge of sacrilege at the previous year's celebration of the *Bona Dea*, he and Cicero clashed in the Senate, and Cicero recorded their encounter in a letter to Atticus he wrote soon afterwards:

... that pretty little boy get up and accuses me of being at Baiae; not true, but anyway. "Well? Is that like saying that I was somewhere hidden?" "What has a man from Arpinum to do with warm springs?". "Tell that", I said, "to your counsel, who was keen on an Arpinum man's property at the springs" (you know about Marius' property.) "How long", he said, "shall we bear this king?" "You appeal to a king, when Rex made no mention of you?" (he had been hoping to squander an inheritance from Rex). "You bought a house". "You would think", I said, "that he said, "He bought a jury". "They didn't believe you on oath". "Oh twenty-five jurors did, but thirty-one gave you no credit at all—they took their fee up-front". Overwhelmed by a great roar he falls silent and collapses.¹⁸

18 *Att.* 1.16.10: "surgit pulchellus puer, obicit mihi me ad Baias fuisse; falsum sed tamen. 'quid? hoc simile est' inquam 'quasi in operto dicas fuisse?' 'quid' inquit 'homini Arpinati cum aquis calidis' 'narra' inquam 'patroni tuo, qui Arpinatis aquas concupiuit'; nosti enim Marianas. 'quousque' inquit 'hunc regem feremus?' 'regem appellas' inquam 'cum Rex tui mentionem nullam fecerit?'; ille autem Regis hereditatem spe deuorarat. 'domum' inquit 'emisti.' 'putes' inquam 'dicere "iudices emisti?"' 'iuranti' inquit 'tibi non crediderunt.' 'mihi uero' inquam 'XXV iudices crediderunt, XXXI, quoniam nummos ante acceperunt, tibi nihil crediderunt.' magnis clamoribus adflictus conticuit et concidit."

Cicero is keen to emphasise the fact that he was triumphant in this exchange, a victory demonstrated through the response of his audience and the effect that this had on Clodius; we may wonder whether his victory was as pronounced as he makes out. But his account does seem to provide a good indication of the format of an *altercatio* in the Senate, with senators not speaking at length or without interruption, but engaged in exchange with one another, in a manner which was competitive and could involve considerable animosity. Technically, what seems to have happened was that Clodius sought and obtained from the presiding magistrate, the consul Pupius Piso (himself the object of attacks by Cicero in relation to the conduct of Clodius' trial), the opportunity to respond to the personal attacks which Cicero had directed at him during a speech he had given earlier at this particular meeting of the Senate. In his description of the meeting in this letter, Cicero draws an explicit distinction between *oratio* and *altercatio*.¹⁹ The *altercatio* he records with Clodius is political in its content; the outcome is of political significance, since it manifested the opinion of the Senate about the behaviour of two of its members, whether or not that opinion had been changed by what they had heard; and the skills required to be effective in this genre of oral communication are difficult to disentangle from the rest of the orator's rhetorical apparatus.²⁰ To treat senatorial *oratio perpetua* alone as "oratory" and to deny membership of that category to *altercatio* is a counter-productive decision, driven by the conventions of oratory as a textual genre in Latin rather than the challenges and realities of political life.

A similar argument can be constructed about speech at the *contio*. As was discussed above, Cicero's contional speeches give the impression that the orator was heard in attentive silence broken only by approving murmurs or shouts at moments carefully orchestrated by the speaker himself. In fact, an address to a *contio* could involve hostile reactions from the crowd or even loss of audience.²¹ Moreover, these speeches of Cicero preserve only one format for

19 Cic. *Att.* 1.16.9–10: "rogatus ego sententiam multa dixi de summa re publica ... sed quid ago? paene orationem in epistulam inclusi. redeo ad altercationem" ("when asked my opinion I spoke at length about the *res publica* at the highest level ... but what am I doing? I had practically included my speech in the letter. I return to the exchange").

20 The amount of space that Cicero devotes to wit in *De Oratore* (2.216–290) is revealing in this context, given how many of the examples the speakers in the dialogue discuss concern not wit in *oratio perpetua* but in brief exchanges between two or more speakers, whether in forensic, deliberative or more unstructured contexts; see further below.

21 On hostile audiences at the *contio*, see Francisco Pina Polo, *Contra arma verbis: der Redner vor dem Volk in der späten römischen Republik* (Stuttgart: Steiner, 1996), 94–126; Gregory S. Aldrete, *Gestures and Acclamations in Ancient Rome* (Baltimore: Johns Hopkins University Press, 1999), 101–104. Cicero records (*Brut.* 305) the elder Curio's experience as tribune

the *contio*, but a *contio* could involve cross-examination as well as continuous speeches. Such cross-examination could itself vary considerably in tone. In the run-up to Milo's trial in 52, his opponents used *contiones* to make public material which was prejudicial to Milo's case; thus the tribune T. Munatius Plancus brought to a *contio* one M. Aemilius Philemon, who said that he had been kidnapped and imprisoned by Milo because they were witnesses to Clodius' murder:

Then Titus Munatius Plancus, tribune of the plebs, brought forward at a *contio* Marcus Aemilius Philemon, a well-known man and a freedman of Marcus Lepidus. He said that he and four other free men had come upon Clodius's murder as they had been travelling and, when they raised the alarm, they were snatched, taken away and kept shut up for two months in a villa of Milo's; whether true or false, the matter created a great deal of ill-feeling against Milo.²²

It is not entirely clear how this information was conveyed at the *contio*: that is, whether Plancus elicited the information from Philemon through a series of questions or if Philemon, once introduced, described his experiences without interruption. However, Plancus, who summoned this meeting, was, together with his tribunician colleagues Sallust and Q. Pompeius, consistently hostile towards Milo after Clodius' death, and it appears that this meeting's purpose, as well as its outcome, was to stir up *invidia* against Milo. Consequently, it seems reasonable to assume that Plancus at the very least spoke before and after Philemon's account in order to show his audience exactly how they should respond to what they heard; and cross-examination is perhaps more likely than a longer speech by Philemon, to ensure that a speaker who was not familiar with oratory at the *contio* did bring out all the information that Plancus required.

of the *plebs*, when he did not address *contiones* after he had once been abandoned by his contional audience; unfortunately Cicero does not explain what Curio had done to lose his audience. On Curio, see further Cristina Rosillo-López, "The Common (*mediocris*) Orator of the Late Republic: the Scribonii Curiones", in *Community and Communication: oratory and politics in Republican Rome*, eds. Catherine Steel and Henriette van der Blom (Oxford: Oxford University Press, 2013), 287–98.

22 Asc. 37C: "deinde Titus Munatius tribunus plebis produxerat in contionem M. Aemilium Philemonem, notum hominem, libertum M. Lepidi. is se dicebat pariterque secum quattuor liberos homines iter facientes superuenisse cum Clodius occideretur, et ob id cum proclamassent, abreptos et perductos per duos menses in uilla Milonis praeclusos fuisse; eaque res seu uera seu falsa magnam inuidiam Miloni contraxerat."

In this particular episode the speakers, that is Plancus and Philemon, were on the same side; we should assume that Philemon came to the meeting having been carefully prepared and that what he said was what Plancus was expecting and hoping to hear. Hostile cross-examination was also possible. In such cases, the participants were normally both politically active; the context was often in the run-up to legislative voting, where one side might summon the other to explain their opposition (or support). One famous example was Carbo's cross-examination of Scipio Aemilianus after the death of Tiberius Gracchus, during which Scipio said that he thought that Gracchus had been justly killed, to an outraged response from the audience. (He then dismissed the audience's claim to any political role by saying that Italy was only a step-mother to them, and that they had been prisoners-of-war whom he himself had brought to Rome).²³ That dynamic of open contempt is difficult to parallel; most speakers who found themselves the object of a hostile cross-examination at a *contio* faced, as Morstein-Marx puts it, "a hard choice: either to back away publicly from his stance of opposition, or face a fearful, even potentially violent, explosion of popular anger, and court the imputation that he despised the Will of the People".²⁴ Such an environment demanded rhetorical competence, even though this competence would be displayed in brief responses rather than full-scale contional *oratio perpetua*.

1.3 Informal Speech beyond Senate and *contio*

These examples involve well-defined locations for political activity, namely the Senate and the *contio*. Speech at those locations was not confined to longer, continuous and uninterrupted speech; the format of Senate meetings and meetings of the people allowed for briefer exchanges, which had political significance and demanded rhetorical skill, even though they did not fit with the conventions that emerged around written texts. I conclude with two more kinds of speech which test the boundaries of definitions of "oratory" more severely because they did not take place within the formal frameworks offered by meetings of Senate and people.

The first of these kinds of speech is that which could take place at the *consilium*, a magistrate's advisory council.²⁵ A *consilium* sat between formal

23 Val. Max. 6.2.3; cf. Cic. *De Orat.* 2.106; Vell. *HR.* 2.4.4.

24 Morstein-Marx, *Mass Oratory*, 166.

25 A *consilium* was not the exclusive prerogative of a magistrate; any adult male Roman could ask his friends and family for advice and appears to have been expected to do so in

and informal; there were no fixed rules governing its composition and conduct and yet its members and behaviour were the object of public scrutiny, as its role in *repetundae* trials makes clear. A meeting of a *consilium* could involve *oratio perpetua*, as is evident from a description that Cicero gives of a meeting of Brutus' *consilium* in the spring of 44:

I reached Antium before midday. Brutus was glad to see me. Then in front of a large group, including Servilia, Tertulla and Porcia, he asked me my views. Favonius also was there. I presented what I had prepared *en route*: that he should take the Asiatic corn commission; our only concern now was his safety; in that lay also the security of the *res publica* itself. When I was launched on this speech Cassius walked in. I started it again. At this point Cassius with stern expression (he was breathing fire) said he would not go to Sicily. "Should I take an insult as though it were a favour?" "Well, what are you going to do?" I asked. He said he would go to Achaea. "What about you, Brutus?" I asked. "To Rome, if you approve." "Not at all; you won't be safe". "Well, would you agree if I could be?" "I would, and be against your going to a province now or after your praetorship; but I can't advise you to trust yourself to Rome". I gave him the considerations which of course occur to you as to why he would not be safe. Then there were great complaints, above all from Cassius, and they were very critical of Decimus and lost opportunities. I replied that there was no point in lamenting the past, but nonetheless I agreed. When I had begun to say what should have been done—nothing startling, just what everyone is constantly saying—not making the point that someone else should have also been dealt with, simply saying that the senate should have been summoned, popular feeling stirred up more vigorously, leadership of the whole *res publica* assumed, your friend interrupted, "I have never heard anyone say so!". I held my tongue ...²⁶

the case of weighty decisions with consequences more than merely personal. However, the evidence for speech at meetings of *consilia* relates to those called by magistrates. On *consilia* more generally, Francesco Amarelli, *Consilia principum* (Napoli: Jovene, 1983); John Crook, *Consilium principis* (Cambridge: Cambridge University Press, 1995); Pamela Delia Johnston, *The military consilium in Republican Rome* (Piscataway: Gorgias Press, 2008).

- 26 Cic. *Att.* 15.11.1–2: "Antium ueni ante H. VI. Bruto iucundus noster aduentus. deinde multis audientibus, Seruilia, Tertulla, Porcia, quaerere quid placeret. aderat etiam Fauonius. ego, quod eram meditatus in uia, suadere ut uteretur Asiatica curatione frumenti; nihil esse iam reliqui quod ageremus nisi ut saluus esset; in eo etiam ipsi rei publicae esse praesidium. quam orationem cum ingressus essem, Cassius interuenit. ego eadem illa

Cicero expected to be asked to address this gathering, and had prepared some material on his journey to it. The role of preparation in what he said supports the idea that the *consilium* was potentially a setting for formal speech. But proceedings at this particular meeting were disorderly: Cicero's attempt to speak at some length was interrupted, first by the arrival of Cassius as Cicero was speaking, which led to some question and answer between the two men, followed by more general discussion, and then secondly by Servilia, who firmly expressed scepticism of Cicero's position.²⁷ The meeting was not public: participation was by invitation only and there was no formal mechanism for its decisions to become known, insofar as it did indeed reach any decisions. But (as this letter makes abundantly clear) what happened at the meeting of a *consilium* could be of interest to those who had not attended it and could be leaked. Consequently, what was said in such an environment could have broader significance.

The second kind of speech is in many ways the converse: if *consilia* give us private but structured oratory, *oratio perpetua* that could be carefully planned even though its audience was restricted, a variety of unplanned, unscripted encounters in the public spaces of the city of Rome, particularly the Forum, involved speech which was public but did not take the form of long addresses.²⁸ The major source both for the nature of this kind of speech and for its significance is Cicero, and particularly the excursus on wit in the second book of *De Oratore*, during which Caesar Strabo draws on exchanges between politicians and private members of the *populus* to indicate how a member of the elite

repetiui. hoc loco fortibus sane oculis Cassius (Martem spirare diceret) se in Siciliam non iturum. "egone ut beneficium accepissem contumeliam?" "quid ergo agis?" inquam. at ille in Achaia se iturum. "quid tu" inquam, "Brute?" "Romam" inquit, "si tibi uidetur." "mihi uero minime; tuto enim non eris." "quid? si possem esse, placeretne?" "atque ut omnino neque nunc neque ex praetura in prouinciam ires; sed auctor non sum ut te urbi committas." dicebam ea quae tibi profecto in mentem ueniunt cur non esset tuto futurus. multo inded sermone querebantur, atque id quidem Cassius maxime, amissas occasiones Decimumque grauiter accusabant. <ad> ea negabam oportere praeterita, adsentiebant tamen. cumque ingressus essem dicere quid oportuisset, nec uero quicquam noui sed ea quae cotidie omnes, nec tamen illum locum attingerem, quemquam praeterea oportuisse tangi, sed senatum uocare, populum ardentem studio uehementius incitare, totam suscipere rem publicam, exclamat tua familiaris "hoc uero neminem umquam audiui!" ego repressi ..."

27 On this meeting, see further Harriet Flower, "Servilia's *consilium*: rhetoric and politics in a family setting", in *Institutions and Ideology in Republican Rome: speech, audience and decision*, eds. Henriette van der Blom, Christa Gray, and Catherine Steel, (Cambridge: Cambridge University Press, forthcoming).

28 See Rosillo-López's chapter in this volume.

should and could use wit effectively.²⁹ Two examples can show the potential significance of such kinds of speech. The first, from *De Oratore*, records a brief exchange between the orator Antonius (one of the interlocutors in the dialogue, as Strabo's telling indicates) and Helvius Mancianus:

This is a rather trivial and, as I said, mime-like humour, but it has its place sometimes even in our work, as when someone who isn't stupid says, as though he were stupid, something witty: as Mancianus did to you, Antonius, when he heard that you, as censor, were being prosecuted for electoral bribery by Marcus Duronius: "Now you'll mind your own business".³⁰

Strabo's, and Cicero's, main point here is the humorous effect of the pun on *negotium agere*, with Mancianus's simultaneous suggestions that the prosecution Antonius faces will compel him to attend to his own affairs (the meaning which is *quasi stulte*, presumably because it is so banal) whilst also indicating that there will be general relief if Antonius as censor stops interfering in other people's business.³¹ The anecdote does not, therefore, include any information about where the encounter took place or how other people came to know about it. But the inference can reasonably be drawn that Mancianus and Antonius encountered one another in some public space in Rome and that other people heard what they said to one another. The difference in status between the two men is notable: Antonius, former consul and current censor, and Mancianus, the son of a freedman.³² The second example also involves an exchange between a senator and a non-senator: "Likewise when Marcus Drusus, tribune of the plebs, a very powerful man one engaged in great political struggles, greeted Granius and said, as one does, "How are you doing, Granius?", Granius responded, "No rather, how are *you*, Drusus, doing?".³³

29 See above, n. 20.

30 Cic. *De Orat.* 2.274: "genus hoc leuius et, ut dixi, mimicum, sed habet non numquam aliquid etiam apud nos loci, ut uel non stultus quasi stulte cum sale dicat aliquid: ut tibi, Antoni, Mancianus, cum audisset te censorem a M. Duronio de ambitu postulatam, aliquando inquit tibi tuum negotium agere licebit."

31 Anton Daniel Leeman, Harm Pinkster, and Edwin Rabbie, E., *Tullius Cicero De Oratore Libri III: Kommentar, dritte Band: Buch II, 99–290* (Heidelberg: Winter, 1989), 311.

32 On Mancianus, see further Catherine Steel, "Pompeius, Helvius Mancianus and the Politics of Public Debate", in *Community and Communication: oratory and politics in Republican Rome*, eds. Catherine Steel and Henriette van der Blom (Oxford: Oxford University Press, 2013), 151–59.

33 Cic. *Planc.* 33: "idem tribuno pl. potentissimo homini, M. Druso, et multa in re publica molienti, cum ille eum salutasset et, ut fit, dixisset: quid agis, Grani? respondit: immo uero tu, Druse, quid agis?"

As in the first example, the actual exchange depends on a phrase's double meaning, where the conventional greeting *quid agis* is unpacked by its recipient Granius into a pointed enquiry about the activities which Drusus is up to as tribune. Again, location is not specified, but as in the case of Antonius and Mancina, the story's very existence implies listeners.

This second anecdote comes from Cicero's speech for Plancius, at a point at which Cicero is attempting to refute an allegation that Plancius speaks with excessive frankness by listing occasions on which Roman grandees have faced rough verbal treatment from those of lesser social status. Both Livius Drusus and Antonius are worsted in these stories: their social and political superiority is undermined by their lack of verbal facility in comparison with Mancina and Granius. Indeed, perhaps one of the reasons these anecdotes had value was in their reversal of the proprieties ("he said *what!*"). And it also seems that such encounters could matter—or at least were thought to have the potential to matter—to a politician's reputation. Hence the inclusion of such material in *De Oratore*: being a competent communicator in this type of exchange, or at the least being able to avoid very obvious pitfalls, was relevant to the politician and orator. Such conversations, involving men in public life in a public place, were liable to be remembered and passed round, at least in oral discussion. They did not involve any preparation (indeed, they seem to have been unexpected) and they did not have a formal context. But although there is a clear demarcation between them and the kinds of *oratio perpetua* which was recorded in writing and circulated, it is less easy to distinguish them, in terms at least of the kinds of speech used, from the oral exchanges which took place in the courts and Senate and in front of the people.

1.4 Conclusions

Oratorical texts from the Roman Republic cannot alone establish the parameters of public speech. These texts edit and simplify the circumstances of performance, conceal the role of the audience, and emphasise the authority and control of the speaker. Public speech must be addressed within the context of political life as a whole, and the result of so doing is to establish a spectrum of activity, ranging from, at one end, organised and disciplined occasions of elaborate public oratory, through increasingly interrupted and contested speech which nonetheless takes place at formally defined events to, at the other end, brief impromptu verbal exchanges in public but outside any institutional framework, whose transition into the public sphere was contingent and even fortuitous. But all have some claim to be considered "public speech" and to

contribute meaningfully to our understanding of political communication at Rome.³⁴

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Informal Conversations between Senators in the Late Roman Republic

Cristina Rosillo-López

In 55, following problems with the dedication of a statue and inscriptions in honour of Quintus Cicero in the temple of Tellus, his brother took the matter in hand.¹ The most important step was to sound out the consuls for their opinions on the problematical issue; Cicero thus called privately on Pompey, accompanied by one of the latter's allies, Vibullius. Pompey gave him hope, but told him specifically that he wanted to talk with his colleague Crassus about it, and that Cicero should do the same. Profiting from a public event, the escort of Crassus after the latter assumed the consulship, Cicero managed to get hold of him and his son, to address the issue in private.² The consul pondered the situation and gave him some points to follow. Through him, Cicero learned about the political prospects of Clodius, his main opponent in this matter, and how he could avoid disturbing him so that he would not oppose the dedication of the statue. After these conversations, as Cicero told his brother, he considered himself satisfied with the information he had gathered informally from the consuls, and especially with having managed to get Pompey to talk to Crassus about the matter.

Cicero's strategy for finding a solution for this issue was based on informal conversations: he sounded out both consuls informally for their opinions, and thus learned about the intentions of his enemy and attempted to find a solution to Quintus' problem. In this context, information was a hot commodity, something that was sought by everybody. How could politicians get hold of it? In a world of imperfect information, it was only from other colleagues that a senator could obtain enough political knowledge to thrive through personal

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1 Cic. *Q.fr.* 2.8(7).2.

2 On their relationship, cf. Plut. *Cic.* 25-26. On Cicero's general dislike of Crassus, Cic. *Att.* 4.13.2; *Off.* 1.109; 3.75; D.C. 39.10.

effort, socialisation, conversations, and connections. This chapter intends to analyse the strategies and procedures of personal communication among the political elite. It will review 1) how information circulated in Rome; 2) how informal conversations were exchanged, with specific attention to conversations between enemies and Cicero's talks with Pompey; and 3) how these conversations played a key role in shaping political measures.

In 1912, Gelzer postulated that personal relations were a key characteristic of Roman politics. Developing this idea in relation to kinship, Münzer suggested that family parties controlled Roman politics.³ This interpretation thrived during most of the twentieth century, until Meier and Brunt proposed in the eighties that stable factions and family allegiances did not define Roman politics, which were, rather, formed by quickly changing alliances and short coalitions. In this new paradigm, personal connections were not a thing of the past. Meier has pointed out that, on the contrary, connections were multiple, and took some effort to be mobilised.⁴

The study of communication between senators is linked to this interpretation. If family ties or factions did not establish long-term political allegiances, and if Roman politics were defined by short connections of interests, Roman senators could not always rely on colleagues who had previously cooperated. The establishment of alliances was a frequent occurrence during a politician's career. Politics were an ever-changing terrain in which information was crucial to success. Informal exchanges (frequently defined as *sermo* by the sources) framed the making of political deals; opinions were tentatively questioned; news, gossip and rumours circulated; and Roman senators looked for information, exactly as described by the Latin verb *expiscor*, which expresses the same metaphor as the modern expression "to angle (or fish) for information".⁵

3 Friedrich Münzer, *Römische Adelsparteien und Adelsfamilien* (Stuttgart: J.B. Metzler, 1920).

4 Christian C. Meier, *Res publica amissa: eine Studie zu Verfassung und Geschichte der späten römischen Republik* (Frankfurt am Main: Suhrkamp, 1980), 174–90; Peter Astbury Brunt, *The Fall of the Roman Republic and other related Essays* (Oxford: Clarendon Press, 1988), 36–45. Differences between Gelzer-Meier and their critics in Aloys Winterling, "Friendship and Patron-Client Relations," in *Politics and Society in Imperial Rome*, ed. Aloys Winterling (Chichester: Wiley-Blackwell, 2009), 37, n. 6.

5 On rumours and gossips see Ray Laurence, "Rumour and Communication in Roman Politics," *Greece and Rome* 41 (1994): 62–74; Cristina Rosillo-López, "'Temo a los Troyanos': Rumores y habladurías en la Roma tardorpublicana," *Polis* 19 (2007): 113–34; Francisco Pina Polo, "Frigidus Rumor: the Creation of a (negative) Public Image in Rome," in *Private and Public Lies. The Discourse of Despotism and Deceit in the Graeco-Roman World*, ed. Andrew Turner, James Kim On Chong-Gossard and Frederik Vervaeke (Leiden – Boston: Brill, 2010), 73–90. See

2.1 Circulating and Accessing Information in the City

Sociability and conversations, together with gossip and rumours, were the bases for the circulation of information and, therefore, for informal communication. Sociability provided the opportunity for casual meetings that allowed time to discuss politics: e.g. while escorting a candidate, during casual meetings on the road, over dinner, at home, or even as private asides during sessions of the Senate.

The physical space could hinder or induce conversation and, thus, affect the circulation of information. Walking around the city was the most effective way of circulating information. Bumping into an acquaintance was more likely to happen in busy streets, thus being conducive to small talk and to the cementing of networks.⁶ Promenading around a highly frequented place has been identified as a “core rite of sociability”.⁷ Busy streets, however, were also filled with noises, cries, shops which covered the whole pavement, and carts travelling around the city, thus sometimes making the possibility of conducting a calm conversation arduous, burdensome, and irritating.⁸ On the other hand, pedestrian or promenading spaces offered calmer surroundings for conducting conversations, but in those places the number of people crossing each other’s paths would be lower.⁹

The dissemination of information, based on sociability, was carried out by ordinary Romans in their daily lives. Nevertheless, some persons within the city of Rome were physical vehicles of information, although this was not their main profession. These people worked or were frequently in the streets and circulated considerably. The *tonsores* were one of the institutions for circulating

also chapters by Courier and Magalhães de Oliveira in this volume. On the circulation of news see Pina Polo’s contribution.

6 Jan Gehl, *Life between buildings. Using Public Space* (New York: Van Nostrand Reinhold, 1987).

7 David Scobey, “Anatomy of the promenade: The politics of bourgeois sociability in nineteenth-century New York,” *Social History* 17 (1992): 203; Timothy O’Sullivan, *Walking in Roman Culture* (Cambridge: Cambridge University Press, 2011).

8 Pavements in Rome were not as developed as those of Pompeii: most were narrow, or inexist. Only four appear in the *Forma Urbis Romae*, although arcades and colonnades functioned also as such (cf. Claire Holleran, “The Street Life of Ancient Rome,” in *Rome, Ostia, Pompeii: Movement and Space*, ed. Ray Laurence and David John Newsome (Oxford: Oxford University Press, 2011), 248–49).

9 On sociability, the physical space of the city and the circulation of information, cf. Cristina Rosillo-López, *Public Opinion and Politics in the Late Roman Republic* (Cambridge: Cambridge University Press, 2017).

news in both Athens and Rome. Roman men only shaved at home when mourning; thus, they had to go to the barber or *tonsor* regularly to maintain a smooth face. *Tonsores* played an important role as distributors of information, especially rumours.¹⁰ Sociability and circulation of information went also hand in hand with the *circulatores*, performers who attracted crowds in the streets by selling wares and reciting literary and legislative texts. They presented their performances in street-corners, the forum and even in elite dinners.¹¹ Therefore, they were cross-class vehicles of circulation of information, although if their repertoire may have been different in each venue.

Finally, informal groups could also become disseminators of information. Caelius's letters to Cicero mentioned other three vehicles of public opinion, who were probably also vehicles of information: *columnarii*, *susurratores*, and *subrostrani*, groups of unknown composition who wandered in the Forum.¹² *Circuli*, rings of people who gathered for conversation or as an audience, represented another form of sociability. *Circuli* could belong either to elite or to popular sociability and, hence, involved the circulation of information and opinion. They could not only be formed in the streets, but also at dinners.¹³ According to ancient sources, the *agger* and the *fora* were ideal places to form *circuli*.¹⁴ O'Neill has linked *circuli* and *circulator* as a part of popular sociability.¹⁵ Courier has also stated the strong link between popular utterances and *circuli*.¹⁶ Boissier, in his study of opposition during the Empire, identified *circuli* with groups of idle people, gathered around to chat in the streets.¹⁷

10 Plaut. *Asin.* 343ss. See August Otto, *Die Sprichwörter und sprichwörtlichen Redensarten der Römer* (Leipzig: B.G. Teubner, 1890), s.v. *tonsor*.

11 Plin. *Ep.* 4.7; Verg. *Ecl.* 3.26ff.

12 Cael. *Fam.* 8.9.5; 8.1.4; 8.1.5. Alberto Cavarzere, Marco Celio Rufo, *Lettere (Cic. Fam. 1.VIII)* (Brescia: Paideia, 1983), 208 suggests that these words were colloquial terms. Pina Polo, *Frigidus rumor*, 78–79 proposes that they were formed by people from low social backgrounds, identifying them with Vanderbroeck's "intermediary leaders". However, their composition could also be variable: cf. Rosillo-López, *Public Opinion*, 177–79.

13 On *circuli*, see Peter O'Neill, *A Culture of Sociability: Popular Speech in Ancient Rome* (PhD. diss, University of Southern California, 2001), 94–133; Peter O'Neill, "Going Round in Circles: Popular Speech in Ancient Rome," *Classical Antiquity* 22 (2003): 135–76; Cyril Courier, *La plèbe de Rome et sa culture (fin du II siècle av. JC–fin du I^{er} siècle ap. JC)* (Rome: École Française de Rome, 2014), 532–46.

14 Quint. *Inst.* 12.10.74; Hor. *Sat.* 1.8.14–15; O'Neill, "Going Round," 137.

15 O'Neill, "Going Round."

16 Courier, *La plèbe*, 532–46.

17 Gaston Boissier, *L'opposition sous les Césars* (Paris: Hachette, 1900), 71.

All this evidence suggests that circulation of information in Rome was a complex affair. This picture reinforces another concept: the city of Rome was the prime location for the exchange of information, and the elite were aware of the necessity of being as present there as possible. In a well-known anecdote, Cicero related his return from what he thought had been a much talked glorious quaestorship in Sicily. At his arrival to Puteoli, he met with some people who threw cold water on Cicero's great expectations: his interlocutors ignored not only the province in which he had served, but even whether he had been out of Rome.¹⁸ This exchange or a similar one impressed Cicero, who avoided throughout all his life leaving the city of Rome: he did not go to a province after his consulship and fought with all his forces, unsuccessfully, being sent as pro-consul in 51. He was not the only politician to do so. A quarter or more of the consuls for 80–53 declined to leave for a province, and probably around 15% of the praetors.¹⁹ Potential enrichment or exploitation of provincials was not the only reason: many politicians had realised that, in order to advance their political careers, they needed to stay in Rome, and deepen informal contacts with other politicians.

In the case of face-to-face senatorial conversations, how did senators access each other? There were two options: either directly, or indirectly, through others.

Direct conversations were a straightforward matter. They could take place in private (in houses or during dinners), but also in public settings; senators could thus learn about rumours and gossip, or about the points of view of their political colleagues.²⁰ Occasionally these conversations could have a casual character, such as asides during formal events. On 13 February 61, the Senate discussed the trial against Clodius for his sacrilege during the Bona Dea rites. The consul asked Pompey for his opinion, which he delivered in support of the

18 Cic. *Planc.* 65. On this episode, cf. Cristina Rosillo-López, "Political participation and the identification of politicians in the Late Roman Republic," in *Institutions and Ideology in Republican Rome: speech, audience and decision*, ed. Henriette van der Blom, Christa Gray and Catherine Steel (forthcoming).

19 Wolfgang Blösel, "Provincial Commands and Money in the Late Roman Republic," in *Money and Power in the Roman Republic*, ed. Hans Beck, Martin Jehne and John Serrati (Bruxelles: Peeters, 2016), 68–81.

20 Rosillo-López, *Public Opinion*, 42–74. As usual, these distinctions, though methodologically useful, become blurred in reality; for instance, elite dinners could sometimes have an audience, what made them not very private: cf. John H. D'Arms, "Performing Culture: Roman Spectacle and the Banquets of the Powerful", in *The Art of the Ancient Spectacle*, ed. Bettina Ann Bergmann and Christine Kondoleon (Washington: National Gallery of Art: 1999), 301–19.

decision of the Senate. When he ended his intervention, Pompey sat down and told Cicero, who was sitting next to him, that he thought his answer and his position on the matter had been clear enough.²¹ Cicero, whose testimony would play an important role in the case, considered this aside comment, which clarified for him Pompey's point of view, sufficiently important to inform Atticus about it in a letter.

Politicians could also resort to third parties. This decision depended on many factors: on one's presence or otherwise in Rome (e.g. Cicero depended upon Atticus many times when he was away from the city); on having friends with strong links with others; or on socialising frequently with others. For instance, Atticus sounded out many times Demetrius of Gadara, Pompey's freedman, while Cicero, for instance, talked frequently with Balbus. Cicero complained that he was kept in the dark about the intentions of Pompey and Crassus, because Atticus was away from the city and was thus unable to find out about them through Clodia.²² Cicero, who was not on good terms with her, could not access that source of information, whereas Atticus could. During Cicero's exile Atticus wrote him a letter, telling him that he had been informed about his friend's anxiety and leanness through Crassus' freedman.²³ Shortly after arriving in Cilicia as governor, Cicero told Appius Claudius, his predecessor, that he had learned about Appius' displeasure towards him from the *accensus* in the province.²⁴ A copyist (*librarius*) visited Cicero to talk about P. Sestius' political options while the latter was serving as proquaestor in Macedonia.²⁵ Cicero asked Vatinius' freedman for news about his patron's health.²⁶ The *Commentariolum petitionis* identified freedmen and slaves as an effective source of news and gossip from elite households.²⁷ In terms of formal institutions and politics, many of these third parties (such as women, foreigners or slaves) did not have a political role. However, looking at their involvement in informal conversations, they were full participants in Roman political life.

²¹ Cic. *Att.* 1.14.

²² Cic. *Att.* 2.22.

²³ Cic. *Att.* 3.15.1.

²⁴ Cic. *Fam.* 3.7.

²⁵ Cic. *Fam.* 5.6.1.

²⁶ Quint. *Inst.* 6.3.84.

²⁷ Q. Cic. *Pet.* 17; 29.

2.2 Speaking with your Enemy

Conversations, especially in casual settings, provided an outlet for political enemies to sound each other out or at least converse. Lucullus and Pompey were fierce rivals: they quarreled, insulted each other viciously and once almost came to blows. Yet they conversed informally on the Forum,²⁸ and Pompey visited Lucullus, who was already retired, at his villa in Tusculum.²⁹ Favonius had a conversation with Clodius about Milo.³⁰ Others were more radical: Brutus considered that Pompey was responsible for the murder of his father and, according to Plutarch, he never spoke to him or saluted him.³¹ Even so, he joined Pompey's ranks during the civil war against Caesar.

What about Cicero and his worst enemy? The relationship between Cicero and Clodius became strained after Cicero declared in the Bona Dea trial against the interests of Clodius. It took a much more dangerous road when, during his tribunate, Clodius decided to punish Cicero for his extrajudicial murder of part of the Catilinarians, and succeeded in having him exiled. This situation made it difficult for Cicero and Clodius to talk to one another, although sometimes they did. For instance, they had an informal exchange while escorting a candidate, during which Clodius taunted and informed him about his prospects for the Sicilians who had visited Rome, which enraged Cicero, since they were his clients too.³² They met several times in social contexts. Cicero was actually one of the last persons Clodius saw before leaving Rome: that day both of them were present at the deathbed of Vettius Cyrus, the architect, whom both Clodius and Cicero had employed. Cicero specified that they both acted as witnesses to Cyrus' will, in which they featured as heirs.³³ Cicero did not answer the tantalizing question (for us) of whether they talked to one another, since that was not useful for the main point of his argument. Clearly the evidence

28 Plut. *Luc.* 41.3–4; *Pomp.* 4–6.

29 Plut. *Luc.* 39.4.

30 Cic. *Mil.* 26, 44; Asc. 54C.

31 Plut. *Pomp.* 64.3.

32 Cic. *Att.* 2.1.5. On this case, cf. Cristina Rosillo-López, "Reconsidering Foreign *Clientelae* as a Source of Status in the City of Rome During the Late Roman Republic," in *Foreign Clientelae in the Roman Empire. A Reconsideration*, ed. Martin Jehne and Francisco Pina Polo (Stuttgart: Franz Steiner Verlag, 2015), 267–69.

33 Cic. *Mil.* 48; *Att.* 2.3.2; *Q.fr.* 2.2.2; W. Jeffrey Tatum, *The Patrician Tribune: Publius Clodius Pulcher* (Chapel Hill: The University of North Carolina Press, 1999), 198; Samuel Loomis Mohler, "Cicero's Legacies", *Transactions of the American Philological Association* (1932), 77–79. RE s.v. Vettius Cyrus (H. Gundel) hypothesises that the architect Vettius and the architect Cyrus were actually the same person.

about that moment of socialisation has only survived because of the eventual fate of Clodius; it is likely that situations like this were frequent, since they shared the same public space and, occasionally, the same private space.

Even when they did not talk directly to one another, neither was unaware of the other's intentions. There are no details as to what degree of information Clodius had about Cicero's points of view, either through Atticus or through other persons. Atticus was Cicero's main provider of information about Clodius. For instance, in April 59, Cicero summed up all the information about his enemy that Atticus had delivered to him in a letter (and more was to come, including the summary of a conversation held at a dinner, probably too sensitive to write down): "the daily chit-chat (*de ruminatione cotidiana*), the designs of Publius, Juno's warcries [Juno=Clodia], how Athenio is raising the standard, his letter to Gnaeus, the conversation with Theophanes and Memmius: and you have made me wild with inquisitiveness about that "fast" dinner".³⁴ In his absence, Cicero was under-informed about Clodius' intentions, and he was acutely aware of that, especially in the months before his exile, when he struggled to survive politically:

It will simplify everything if I have you with me. Varro can render me many services, but they would be far surer if you were here to support them; a great deal of information can be extracted from Publius himself, and a great deal found out, which could not possibly be kept from your ears.³⁵

During the troubled year before his exile in 58, with Atticus absent from the city, Cicero had to rely on Pompey for knowledge about his enemy's political intentions (see *infra*). The orator was vexed because he could not double-check the gist of Pompey's and Clodius' conversations, since nobody else had been present, and he was doubtful about Pompey's assurances.³⁶ In 55 Cicero learned about Clodius' desire of a *legatio* and his objections to the matter of

34 Cic. *Att.* 2.12: "de ruminatione cotidiana, de cogitatione Publi, de lituis boopidos, de signifero Athenione, de litteris missis ad Gnaeum, de Theophanis Memmique sermone; quantam porro mihi expectationem dedisti convivi istius aselgous!" Athenio probably meant Sextus Clodius; Athenio was one of the leaders of the revolt of slaves in Sicily during the years 103–101.

35 Cic. *Att.* 2.22: "expedita mihi erunt omnia si te habebo. multa per Varronem nostrum agi possunt quae te urgente erunt firmiora, multa ab ipso Publio elici, multa cognosci quae tibi occulta esse non poterunt."

36 Cic. *Att.* 2.22.

Quintus' statues through Crassus.³⁷ During the trial of Milo for the murder of Clodius, Cicero mentioned Favonius' conversation with Clodius, during which the latter boasted of his intention to murder Milo, which Favonius later retold to his friend Cato. It is unknown whether Cato testified directly about this chat during the trial (Asconius' version) or whether it was Cicero who was first to mention it (*Pro Milone*).³⁸ Looking for information on a political enemy involved testing several sources to get a clear picture of the situation.

2.3 Face-to-Face Communication between Cicero and Pompey

The mechanisms to gather and circulate information had at least one main objective: survival in politics. Due to the short-lived character of Roman political alliances, politicians needed to be informed constantly, since the views of their colleagues and rivals could change over time and depending on the issue. In this sense, the fairly well-documented relationship of Cicero and Pompey provides an interesting example.³⁹ It has been characterised as a relationship of *amicitia*. What interests us is that Cicero struggled through direct and indirect means always to be aware of Pompey's political views, and was conscious of the importance of being well informed.

Several times in his letters Cicero points out the fact that Pompey talked to him frequently.⁴⁰ From time to time Cicero went to Pompey's house in order to chat with him.⁴¹ Occasionally Cicero mentioned that he went there with company, such as L. Vibullius Rufus, an officer and close collaborator of Pompey, in 55.⁴² These conversations, which could last into the small hours, were opportunities for Pompey and Cicero to digest the political scene.⁴³ For instance, in 56, Cicero stressed that Pompey had shared with him his view about the confused political circumstances.⁴⁴ Cicero was proud of having such

37 Cic. *Q.fr.* 2.9.2.

38 Cic. *Mil.* 44; Asc. 54C.

39 On the relationship between Cicero and Pompey see Vivian L. Holliday, *Pompey in Cicero's correspondence and Lucan's Civil War* (Den Haag: Mouton, 1969); Beryl Rawson, *The politics of friendship. Pompey and Cicero* (Sydney: University of Sydney Press, 1978); Charles E. Williams, *Pompey and Cicero: An Alliance of Convenience* (PhD. diss: Texas State University – San Marcos, 2013).

40 E.g. Cic. *Att.* 2.24.4; 4.9.

41 E.g. Cic. *Q.fr.* 2.5.4; 2.9.2.

42 Cic. *Q.fr.* 2.9.2.

43 Cic. *Att.* 7.8.4–5.

44 Cic. *Q.fr.* 2.3.4.

a close connection with Pompey and of their chats, which he found extremely useful. In 51, he delightedly informed Atticus that Pompey had asked him to spend three days in his house in Tarentum. Why was he glad to accommodate his demand? Because Cicero expected to talk with him about the political situation and get hints on all that interested him.⁴⁵ Once, unable to reach him, Cicero even had an imaginary conversation with Pompey in a letter to Atticus.⁴⁶

Nevertheless, their communication was not always intense. On some occasions Cicero complained that he did not have enough information about Pompey's activities, charging his friend Atticus with angling for details from Pompey's close entourage.⁴⁷ Cicero talked occasionally with Theophanes of Mytilene, Pompey's friend, to get more information; on other occasions, it was Atticus who sought out the details. For instance, in 59, Cicero was not sure about Pompey's opinion of him, and tried to find out without speaking directly to him, charging Atticus with the task of fishing out (*expiscere*) from Theophanes Pompey's attitude towards him, in order to get a glimpse of the whole picture.⁴⁸ On another occasion, Cicero was relieved to receive a missive from Atticus detailing a conversation that his friend had conducted with Pompey, which reassured Cicero about the goodwill of the general, easing thus his mind of worries.⁴⁹

At other moments, Cicero was confused about Pompey's exact point of view. In the matter of the restoration of Ptolemy Auletes for instance, he was bewildered, even though he admitted that everybody knew what Pompey's *familiares* desired, since they were financing the king.⁵⁰ In 54, rumour held that Pompey would (or should) be appointed dictator. He himself stated that he did not wish it. However, Cicero pointed out that in previous conversations he had not denied such a thing to him.⁵¹ In 51, Caelius asserted that Pompey was not usually straightforward, since he thought one thing and said another, but people could guess his intentions.⁵² Cicero was not the only one fishing for information about Pompey through others; in that letter, Caelius asked for the same thing.

45 Cic. *Att.* 5.6; 5.7.

46 Cic. *Att.* 7.11.3.

47 Cic. *Att.* 1.13.4.

48 Cic. *Att.* 2.17.

49 Cic. *Att.* 7.2.

50 Cic. *Q.fr.* 2.2.3.

51 Cic. *Q.fr.* 3.8.4.

52 Cael. *Fam.* 8.1.4.

In other cases, despite their friendship, Cicero occasionally refrained from asking Pompey directly for precise information about matters about which he himself was ignorant, or about which he could not get the full picture from Pompey and therefore had to get his information from somewhere else. Thus, in 55, Cicero retold Atticus a conversation that he had had with Pompey, whose content he did not understand:

Also I should like you to find out what this means: you can do so from Demetrius. Pompey told me that he was expecting Crassus in his Alban villa on the 27th: that as soon as he arrived, they were going at once to Rome to settle accounts with the *publicani*. I asked, "During the gladiatorial exhibitions?" He answered, "Before they begin". I wish you would tell me what this means, either right now, if you know it, or when he arrives in Rome.⁵³

Cicero was completely in the dark about what was happening. It is a clear example of the importance of being constantly informed.

This text is interesting for other reasons. It shows the reticence of Cicero to ask Pompey directly what was the matter with the accounts of the *publicani*. Furthermore, we see Cicero clearly trying to bluff and give the impression that he knew exactly what they were talking about. Aware of his lack of knowledge, and that Atticus may (or may not) also be in the dark about it, he pointed directly to a better source: Demetrius, Pompey's favourite freedman.⁵⁴ The explanation of the matter is not completely clear for us. *Rationem putare* is the customary expression for the settlement of accounts.⁵⁵ Shackleton Bailey pointed out that it could be an ironic reference to a project of tax reform.⁵⁶ However, the mention of the tax collectors (*publicani*) could also refer to the control of their accounts, a procedure usual during the Empire but for which there is no

53 Cic. *Att.* 4.11.1: "etiam illud cuius modi sit velim perspicias; potes a Demetrio. dixit mihi Pompeius Crassum a se in Albano expectari ante diem iiiii Kal.; is cum venisset, Romam (eum) et se statim venturos ut rationes cum publicanis putarent. quaesivi gladiatoribusne. respondit ante quam inducerentur. id cuius modi sit aut nunc si scies aut cum is Romam venerit ad me mittas velim."

54 Cf. David Roy Shackleton Bailey, *Cicero's Letters to Atticus*, vol. 1 (Cambridge: Cambridge University Press, 1965), 196.

55 Cf. Oxford Latin Dictionary, s.v. *puto*. E.g. its use during the Republic, Plaut. *Mos.* 299; *Trin.* 417; Cato *Agr.* 2.5; 5.4; Cic. *Caec.* 17.2.

56 Shackleton Bailey, *Cicero's Letters*, 197.

certitude during the Republic.⁵⁷ Other possibility is to place the matter in relationship with the conflict between the city of Mytilene and the tax-collectors. The city had been turned into a *civitas stipendiaria* after his participation in the First Mithridatic War against Rome, but was freed in 62 by Pompey, thanks to the mediation of his friend and native of the city, Theophanes. Pompey presided in 55 a session in the Senate during which a conflict about taxes between Mytilene and the *publicani* was discussed.⁵⁸ In any case, the matter of the accounts of the *publicani* was being dealt by the consuls probably outside the official knowledge of the Senate: Cicero was totally ignorant of it, but dared not to show it. Furthermore, the source of information that he suggested was not any fellow senator, but a private person close to Pompey.

On other occasions, Cicero had to be satisfied with surmising what Pompey would have thought. In a letter to his brother in October 54, he delivered the news that Gabinius had been acquitted, and pondered his own behaviour on the matter. He had been strongly pressured by Pompey to undertake the defence of his former lieutenant, something that Cicero struggled to refuse. Leaving aside his own reputation, he said, there were other considerations that influenced him: namely, what Pompey would have thought.⁵⁹

The period before Cicero went into exile represented the most difficult moment of their communication. Pompey assured Cicero several times that he had talked to Clodius about the matter, and reassured the orator that he would be safe, promises about which Cicero was doubtful. In July 59, Pompey told Cicero that Clodius would not utter a word against him and that there was no danger, something that the orator did not trust. At the same time, he wanted to believe Pompey's reassurances, even if he was aware that he should be careful.⁶⁰ With Atticus out of the city, Pompey was his second best choice, since the latter had a working relationship with Clodius and Cicero needed to be informed about his enemy's intentions. This uncertain situation continued for months: "Clodius is hostile to me. Pompey assures me he will do nothing against me:

57 Cristina Rosillo-López, "Fraude et contrôle des contrats publics à Rome", in *Tâches publiques et entreprise privée dans le monde romain*, ed. Jean-Jacques Aubert (Genève, Droz: 2003): 57–94.

58 Francisco Pina Polo, *The Consul at Rome: The Civil Functions of the Consuls in the Roman Republic* (Cambridge: Cambridge University Press, 2011), 267–68; Robert K. Sherck, *Roman Documents from the Greek East* (Baltimore: The John Hopkins Press, 1969), 143–45; Filippo Canali de Rossi, *Le ambascerie dal mondo greco a Roma in età repubblicana* (Roma: 1997), 357–58.

59 Cic. *Q.fr.* 3.4.2–3.

60 Cic. *Att.* 2.19; 20. On Clodius' pledge concerning Cicero, made to Pompey, cf. Jon Hall, *Politeness and Politics in Cicero's Letters* (Oxford: Oxford University Press, 2009), 40.

but I am afraid to trust him and am getting ready for resistance. (...) Pompey talks like an angel (*loquitur divinitus*).⁶¹ Cicero would trust Atticus completely, but not Pompey. Once danger was imminent, Pompey denied him access and shut him away from all possibility of conversations between them, closing his front door on Cicero and his envoys.⁶²

Pompey's political role in the Republic had no parallel, and Cicero was fortunate enough to enjoy access to him. However, this review of their conversations also points to other aspects. Cicero was not Pompey's only interlocutor, of course; top politicians, such as Crassus or Clodius, or even close collaborators (Varro, Vibullius Rufus, Theophanes, Demetrius) are also mentioned. Leaving aside discussion of the degree of friendship between Cicero and Pompey, it seems that the orator often proceeded with caution, sometimes even bluffing in order not to reveal his lack of knowledge about certain matters. The prize was important: first-rate informal political knowledge. Knowing only what was openly disclosed in discussions in the Senate and in *contiones* was not enough.

2.4 Personal Communication and Political Negotiations

This struggle to keep informed through informal means paid off when private and general interests were at stake. When trying to gather allies in order to pass a law, senators usually started looking for support in private conversations with like-minded people, creating and circulating opinions, before making their position known publicly in the Senate. For instance, in 54, after his consulship, Appius Claudius Pulcher wanted to leave for a province without having a *lex curiata*. Appius repeated his reasons for dispensing with such a law and the strategy he intended to follow in several private conversations (*in sermonibus antea dictitabat*), thus gathering support before making his intentions public.⁶³ In June 51, Caelius informed Cicero about all the rumours circulating in Rome in relation to Caesar's situation in Gaul. Caelius, who was well informed about the situation, stated that those uncertain rumours were only circulating among a reduced group of people: "they are mentioned as open

61 Cic. *Att.* 2.21 (between 25 July and 18 October 59): "Clodius inimicus est nobis. Pompeius confirmat eum nihil esse facturum contra me. Mihi periculosum est credere, ad resistendum me paro. (...) Pompeius loquitur divinitus."

62 Plut. *Pomp.* 46.5.

63 Cic. *Fam.* 1.9.25; on the legislative problem, see Pina Polo, *The Consul*, 225–48.

secrets among the small clique with which you are acquainted; but Domitius, with his finger on his lips, hints at them".⁶⁴

Face-to-face communications were necessary to those interested in laying the groundwork before a law or measure, be it of private or general reach, could be presented in public. The following two examples show the role of conversations in the crafting of two political measures, whose formal side is well known: Cicero's request for a *supplicatio* in 50 and the preparation of the *lex agraria* in 63.

In 50, Cicero wrote to the Senate to request a *supplicatio* in honour of his military achievements against some mountain tribes as proconsul in Cilicia.⁶⁵ In order to secure it, he addressed several friends and political acquaintances, including Caelius and Cato the Younger, and requested their help in getting it. Cato was not much disposed to be of help, but Caelius strained himself in order to achieve the *supplicatio*. In a letter he detailed to Cicero the complex web of informal meetings and conversations that such a task had entailed.⁶⁶ First of all, Caelius talked with both of the consuls and got alleged assurances for obtaining a *supplicatio* the following year. In conversations with other people, he was told that C. Lucilius Hirrus intended to talk the measure out. Caelius "seized him" (*prehendimus*) and conversed with him about the matter, even though Hirrus' relation with Cicero had not been friendly since their rivalry three years before, during the elections for the augurship. As a result of these conversations with Caelius, Hirrus not only abstained from boycotting the measure, but also kept quiet when a matter related to it was proposed: "I got hold of him: he not only did not do so, but when the vote for the victims was brought forward, and he could have put a spoke in our wheel if he had called for a count, he held his tongue".⁶⁷ In such complicated task, Caelius had a final ally: Cornelius Balbus, Caesar's right-hand man. Scribonius Curio, one of the tribunes of the plebs and a long-time friend of Cicero, refused to back Cicero's *supplicatio* because it interfered with his own political plans. Caelius reported that Balbus and Curio had had a heated conversation between them, during

64 Cael. *Fam.* 8.1.4–5: "sed inter paucos, quos tu nosti, palam secreto narrantur; at Domitius, cum manus ad os apposuit." Cavarzere, *Marco Celio*, 207–208 discusses the exact meaning of this gesture.

65 On Cicero's *supplicatio* cf. Magnus Wistrand, *Cicero Imperator. Studies in Cicero's correspondence 51–47 B.C.* (Göteborg: Acta Universitatis Gothoburgensis, 1979); Christian Rollinger, "Ciceros *supplicatio* und aristokratische Konkurrenz im Senat der Späten Republik," *Klio* (forthcoming).

66 Cael. *Fam.* 8.11.1–2.

67 Cael. *Fam.* 8.11.1: "prehendimus eum, non modo non fecit, sed, cum de hostiis ageretur et posset rem impedire, si, ut numeraretur, postularet, tacuit."

which Balbus pressed him to vote in favour of the matter. In the end Curio did not veto the measure.

From the point of view of formal politics, there was a discussion in the Senate, and *supplicationes* were postponed for the next year. However, much more than this happened: informal conversations between senators went beyond the links of *amicitia*. Despite his close relationship with Cicero, Curio was opposed to the measure until Cornelius Balbus talked with him. Caelius had to sound out two consuls, but was also well informed, thus learning that Hirrus would intervene against the *supplicatio*. An exchange between the two of them resolved the impasse. Thus, informal meetings, orchestrated by someone as well connected as Caelius, secured the postponement of the *supplicatio*, and actually reveal how everyday Roman politics worked in practice.

This constant necessity for information, especially before political matters were made public, is shown in the preparation for the proposal of the *lex agraria* of 63. Cicero was still consul elect when he learned (the text says more precisely *nuntiabatur*, was informed) that the tribunes elect were already drafting an agrarian law. Instead of using a third party, Cicero asked them directly about their prospects on this matter in a informal chat ("when I wished to join them familiarly in conversation", *cum familiariter me in eorum sermonem insinuarem ac darem*).⁶⁸ However, according to Cicero, the tribunes refused to engage in such conversation with him, but went on looking for support from other politicians in informal meetings.

Cicero referred to this case publicly in a *contio*, during which he tried to discredit the *lex agraria*. However, at the same time, he was aware that agrarian laws usually enjoyed great support among the people; he therefore had to tread carefully in the speeches in which he attacked the law. This is the probable reason for the negative view of the tribunes' efforts to find support, which he described as taking place at night-time, with treachery, blaming them for meeting amongst themselves (which was necessary, if they were preparing a proposal) or for speaking with *privati* (something which could be also seen in a favourable light: that is, they were looking for support beyond the Senate). Interestingly, none of these methods of contact were disguised or hidden away from the people; they were not something that the Roman senators did in secret or behind the backs of others. Cicero clearly described those very informal contacts between himself and his fellow magistrates elect, amongst the tribunes themselves, and between the tribunes and other people.

68 Cic. *Leg. agr.* 2.11–12.

2.5 Conclusions

The Roman Republic represents an ideal and privileged case for analysing how face-to-face communication shapes politics and makes it work beyond formal and official political structures. Analysing fifth and fourth century Athens, Gottesman considered that informal forms of communication represented a challenge to Athenian institutions and status hierarchies.⁶⁹ However, such an interpretation cannot be extrapolated for Rome. Senators communicated officially during exchanges in the Senate or in *contiones*. At the same time, they engaged in face-to-face informal communication within the framework of politics: by talking, gossiping, and exchanging opinions in various settings between them and with close friends and allies. The distinction between formal and informal categories, though, could occasionally be blurred: private letters could be divulged and senators were aware of such risk, what made them not so an informal activity.⁷⁰ Informal communication bypassed friendship when such ties were not enough, either through direct exchanges or via third parties. Despite their friendship, Cicero hesitated from time to time to ask Pompey for information. Scribonius Curio refused to back his friend Cicero's request for a *supplicatio* because he had his own interests in mind. Some politicians, such as Clodius and Cicero, would hardly have described themselves as "friends". They therefore had to learn of one another's opinions through intermediaries.

All these strategies made the exchange of information and the establishment of short-term alliances possible. In Rome, personal communication complemented, rather than challenged, formal politics. In sum, meetings and conversations between senators attest to the ways in which everyday politics worked.

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69 Alex Gottesman, *Politics and the Street in Democratic Athens* (Cambridge: Cambridge University Press, 2014), 78–9.

70 Cicero did not even trust his own clerks when writing letters containing sensitive information (Cic. Att. 4.17.1). Mark Antony read in public Cicero's answer regarding the pardon of Sextus Clodius, the *scriba* and ally of his former enemy Clodius (Cic. Att. 14.13a). Cicero was indignant and called it a terrible faux pas, unworthy of a friend (Cic. Phil. 2.7.).

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PART 2

Political Communication at a Distance



Intermediaries in Political Communication: *Adlegatio* and its Uses

W. Jeffrey Tatum

3.1 *Adlegatio*

etiam hoc multum videtur adiuuare posse novum hominem, hominum nobilium voluntas et maxime consularium; prodest, quorum in locum ac numerum pervenire velis, ab iis ipsis illo loco ac numero dignum putari. ii rogandi omnes sunt diligenter et ad eos adlegandum est...

Q. CIC. *PET.* 4–5

This, too, can be immensely helpful to a new man: the goodwill of the nobles and, especially, of the ex-consuls. It is an advantage if those men whose station and society you hope to join should judge you worthy of that station and society. These men must be solicited assiduously. You must send your connections to speak with them on your behalf.

More than once, and for obvious reasons, the author of the *Commentariolum Petitionis* urges Cicero to cultivate the goodwill of the nobility. Indeed, unlike other works, which underline the merits of the *novus homo* by complaining of the impediments to high office cast in his way by the great and the good, the *Comm. Pet.* routinely advises Cicero to keep on the best of terms with the best of men.¹ Hardly surprising, then, that here Cicero is directed to court the nobility assiduously.

And yet it is easy to overlook the particulars of the *Comm. Pet.*'s instruction: immediately following its comprehensive but unspecified prescription about

1 *Novi homines* and the nobility in the late republic: Alexander Yakobson, "Marius Speaks to the People: 'New Man', Roman Nobility and Roman Political Culture," *SCI* 33 (2014): 283–300 (assembling *testimonia* and previous scholarship). On the rhetoric of *novitas*, see Timothy Peter Wiseman, *New Men in the Roman Senate, 139 BC–14 AD* (Oxford: Oxford University Press, 1971), 109–16; John Dugan, *Making a New Man: Ciceronian Self-fashioning in the Rhetorical Works* (Oxford: Oxford University Press, 2005), 6–15; Henriette van der Blom, *Cicero's Role Models: The Political Strategy of a New Comer* (Oxford: Oxford University Press, 2010), 35–50.

soliciting the nobility, the text goes on to stipulate just how Cicero should set about doing this—an elucidation structured by way of what grammarians denominate the exepegetic or explicative *et*, that is, an *et* which marks a following phrase as a fuller, presumably clearer, statement of its predecessor.² Put differently, Cicero is directed to cultivate the nobility assiduously *not* by waiting on them personally but instead by sending connections to speak with them on his behalf. This is arresting advice.

I have previously argued (though not everyone has agreed with me) that the recommendations put forward in the *Comm. Pet.* are intended to reflect *normative* sensibilities on the proper conduct of canvassing for office and, consequently, on the correct decorum in any relevant social exchanges.³ Here the *Comm. Pet.* exhibits the right diction for describing the lobbying of one gentleman by another: in a letter to C. Curio, Cicero makes the point that, when seeking a favour, asking—*rogare* is the *mot juste*—is socially more desirable than other means of influence, like adducing past benefactions or consulting the balance sheet of unpaid *gratia*.⁴ In our passage, this word designates a display of respect, not the act of making a pest of oneself. So, too, then, the expression *ad eos adlegandum est*.

Now *adlegare* and its cognates, during the republic, routinely refer to the sending of personal representatives on private matters.⁵ In the humble world of Plautine comedy, these delegations tend to be petty matters entrusted to minions, like bailiffs—or husbands.⁶ In grander society, however, the stakes

2 Exepegetic *et*: Manu Leumann, J.B. Hofmann, and Anton Szantyr, *Lateinische Grammatik, Laut- und Formenlehre, Syntax und Stilistik*, vol. 2 (Munich: C.H. Beck, 1965), 484.

3 W. Jeffrey Tatum, “*Alterum est tamen boni viri, alterum boni petitionis*: The Good Man Canvasses,” *Phoenix* 61 (2007): 109–35. This view is rejected by Michael C. Alexander, “The Commentariolum Petitionis as an Attack on Election Campaigns,” *Athenaeum* 97 (2009): 31–57 and 369–95. See, most recently, Rachel Feig Vishnia, *Roman Elections in the Age of Cicero: Society, Government, and Voting* (London: Routledge, 2012), 108–14.

4 *Cic. Fam.* 2.6.1–2.

5 *Adlegatio* and *adlegare*: concise discussion in David Roy Shackleton Bailey, *Cicero's Letters to Atticus*, vol. 1 (Cambridge: Cambridge University Press, 1965), 286. A republican sampling includes: *Cic. Rosc. Am.* 25; *Verr.* 2.1.44; 2.1.136; 2.1.139; 2.1.149; *Fam.* 15.10.2; *Q. Cic. Pet.* 5; 29. This meaning of the word is less common in imperial Latin, but see *Stat. Achil.* 1.899 (an *adlegatio* staffed by divinities) and *Quint. Inst.* 4.1.14 (describing the deployment of family members as aides in making one's case in court).

6 Minions in comic *adlegatio*: e.g. *Plaut. Cas.* 52 (a bailiff); *Cas.* 604 (a husband). It is perhaps relevant that Plautus often makes a joke of aristocratic values by way of redeploying aristocratic vocabulary (an observation I owe to Sharon James): see, e.g., Donald Charles Earl, “Political Terminology in Plautus,” *Historia* 9 (1960): 235–43.

are loftier—and entail the exertions of important connections, ordinarily but not exclusively friends and family, endeavouring to win the goodwill of a great man, or at least of a man occupying an advantageous position who must, as a consequence, be played up to.

In the late republic, *adlegatio* appears most often in the Latin of Cicero, where its utility as a social transaction is taken for granted even if the worst of Romans fail to adhere to its basic moral requirements. The devious Verres, we are told, contrived, by means of *adlegatio*, to secure a legateship in Cilicia from the proconsul Cn. Dolabella (pr. 81), after which he wickedly cooperated in the man's condemnation.⁷ When governor in Sicily, by contrast, Verres showed himself so unapproachable to delegations of friends and family that decent Roman citizens were left no choice but to appeal instead to Verres' favourite prostitute, a humiliation for them and a patent perversion of correct practice.⁸ Such conduct, Cicero insists, demonstrates Verres' low character and his lack of any sense of honour, but in making this point Cicero underlines the significance of *adlegatio* in elite society. Cicero, by contrast with Verres, claims always to have behaved impeccably in regard to *adlegatio*—even in the case of Verres' henchman, L. Habonius. When that man's friends sought an audience with Cicero, they got one.⁹

Yet not even Verres could excel the abominable Chrysogonus in distorting the decencies of aristocratic *adlegatio*. Fearful of a delegation of decurions from Ameria, the corrupt freedman both attended on them personally and sent, as his representatives, an assortment of Roman nobles, a social outrage signifying Chrysogonus' grossly inflated status. Still, the decurions, so Cicero tells us, were impressed by this noble deputation and so were won over by Chrysogonus' twisted and disreputable performance of honour and esteem.¹⁰

7 Verres and Cn. Dolabella (pr. 81): Cic. *Verr.* 2.1.44. Verres and Dolabella's condemnation: Michael C. Alexander, *Trials in the Late Republic, 149BC–50BC* (Toronto: University of Toronto Press, 1990), 69.

8 Verres' insensitivity: Cic. *Verr.* 2.1.136 "cum sibi omnes ad istum adlegationes difficiles, omnes aditus arduos ac potius interclusos viderent, apud quem non ius, non aequitas, non misericordia, non propinqui, non amici voluntas, non cuiusquam acutoritas, non gratia valeret, statuunt id sibi esse optimum factu quod cuius venisset in mentem, petere auxilium a Chelidone"; 2.1.139.

9 Cicero and L. Habonius: Cic. *Verr.* 2.1.149: "petit a me Habonius et amicos adlegat; facile impetrat."

10 Chrysogonus: Cic. *Rosc. Am.* 25: "nam statim Chrysogonus et ipse ad eos accedit et homines nobiles adlegat...." Disreputable performance: so much so that Andrew R. Dyck, *Cicero: Pro Sexto Roscio* (Cambridge: Cambridge University Press, 2010), 94, and T.E. Kinsey, "Cicero's case against Magnus, Capito and Chrysogonus in the *Pro Sex. Roscio*

It comes as a relief from these bleak episodes to spy the outlines of an ideal *adlegatio* in a letter from Cicero to C. Marcellus (cos. 50), in which the orator seeks the consul's endorsement of his request for a *supplicatio*. Cicero seeks this favour succinctly—and then conjures for his reader the *adlegatio* he would have assembled had circumstances allowed: it would have been populated by those members of Marcellus' own family who were fondest of the orator, including Marcellus' father and cousin.¹¹ Cicero then proceeds to recruit the whole of Marcellus' family—and even Marcellus himself, casting the man in the simultaneous roles of recipient of and participant in Cicero's friendly deputation.¹² This epistolary gesture, it will be clear, aspires to convey to Marcellus something of the reality of *adlegatio*'s performance of esteem and respect, even if Cicero has gone over the top in its depiction.

The epistolary *adlegatio* becomes a minor feature of Cicero's correspondence during his quest for a *supplicatio*, and it is obvious how the medium of correspondence could lend itself to this conceit. In addition to the letter to Marcellus, we have one which Cicero directed to Cato. Here Cicero extends himself at greater length, his cordiality is less relaxed, and his friendliness is more mannered and self-conscious than in his charming letter to Marcellus. After a lengthy account of his actual military achievements, which occupy most of this long letter, Cicero informs Cato that he will soon hear the same report from the *reges et provinciae* of the east. Then, finally, Cicero invokes his friendship with Cato, and he does so by way of a literary *adlegatio*. Feigning diffidence in his own powers of persuasion, Cicero again conjures an *adlegatio*, this time not Cato's kin but instead Philosophy herself, a figure

Amerino and its use for the historian," *Antiquité Classique* 49 (1980): 178, conclude that Chrysogonus' *adlegatio* is a Ciceronian fabrication. Fabrication or not, Cicero's deployment of the expectations natural to the practice of *adlegatio* remain usefully illustrative.

11 Cicero's request: *Fam.* 15.10.1. Cicero conjures an *adlegatio* for C. Claudius Marcellus (cos. 50): *Fam.* 15.10.2 (*si mihi tecum esset quam est cum tuis omnibus adlegarem ad te illos a quibus intellegis me praecipue diligi*), including Marcellus' father (C. Claudius Marcellus (pr. 80)) and his cousin (*frater*: M. Claudius Marcellus (cos. 51)).

12 Cicero extends his *adlegatio* to the whole of Marcellus' household (*domus tua ... tota*) and even Marcellus himself: *Fam.* 15.10.2 Outside the convention of *adlegatio*, and by way of contrast, Cicero frequently appropriated a man's kin and deployed them *against* him: Susan M. Treggiari, "Ancestral Virtues and Vices: Cicero on Nature, Nurture and Presentation," eds. David Braund and Christopher Gill, *Myth, History and Culture in Republican Rome: Studies in Honour of T.P. Wiseman* (Exeter: Exeter University Press, 2003), 139–64.

with whom both men are intimate and whom Cato, so Cicero at least hopes, cannot refuse.¹³

Now the employment of intermediaries, for all sorts of purposes, was a pervasive, indeed unmistakable aspect of ancient Roman society, and this practice took many shapes apart from the one I have been discussing here.¹⁴ Consequently, it can hardly be surprising that Cicero is admonished in the *Comm. Pet.* to avail himself of the services of others in advancing his case for the consulship, and the importance of doing so, by various means, is stressed throughout the work. But I want to suggest here that, to the degree they are observable, the conventions of *adlegatio* render it a distinctive form of intermediation, one in which the maintenance of honour matters as much as actually gaining one's point. *Adlegatio*, I propose, simultaneously exhibits an aristocrat's clout and offers proof of his commitment to social consensus. These were always serious issues in aristocratic society, but were not always easily compatible. Consequently, in this paper I should like, in addition to making a few provisional observations about the specific practice of *adlegatio*, to suggest ways in which the dispositions associated with this convention can help to clarify our understanding of episodes in which similar dynamics are played out—or *not* played out—whether or not a literal *adlegatio* appertains. In doing so, I believe we can better appreciate the social (and therefore political) nuances of intermediation, at least in the case of certain events or episodes, some of them very familiar and yet still deserving of further examination.

13 *Fam.* 15.4.16: "extremum illud est, ut quasi diffidens rogationi meae philosophiam ad te adlegem ..." For discussion, see Magnus Wistrand, *Cicero Imperator. Studies in Cicero's Correspondence 51–47 BC* (Göteborg: Acta Universitatis Gothoburgensis, 1979), 10–12; Gregory Owen Hutchinson, *Cicero's Correspondence: A Literary Study* (Cambridge: Cambridge University Press, 1998), 86–9; Jacques-Emmanuel Bernard, *La sociabilité épistolaire chez Cicéron* (Paris: Honoré Champion, 2013), 154–63.

14 The Roman practice of employing intermediaries is too obvious to require extensive documentation here. But any sampling of previous examinations of its various facets must include: Christian Meier, *Res Publica Amissa: Eine Studie zu Verfassung und Geschichte der späten römischen Republik*, 2nd ed. (Wiesbaden: Suhrkamp Verlag, 1980), 174–82; Jean-Michel David, *Le patronat judiciaire au dernier siècle de la république romaine* (Rome: École française de Rome, 1992); Élisabeth Deniaux, *Clientèles et pouvoir à l'époque de Cicéron* (Rome: École française de Rome, 1993); Koenraad Verboven, *The Economy of Friends: Economic Aspects of Amicitia and Patronage in the Late Republic* (Brussels: Éditions Latomus, 2002); Marina Ioannatou, *Affaires d'argent dans la correspondance de Cicéron: l'aristocratie sénatoriale face à ses dettes* (Paris: de Boccard, 2006), 370–4.; Mario Pani, *La repubblica romana* (Bologna: il Mulino, 2010), 91–7; Christian Rollinger, *Amicitia sanctissima colenda: Freundschaft und soziale Netzwerke in der späten Republik* (Heidelberg: Verlag Antike, 2014), esp. 353–411.

3.2 *Adlegatio* and its Aims

Let us first dispense with the most obvious effect of *adlegatio*. No evidence of individual clout was more compelling than an extensive array of family and friends, of associates and dependents, of the human tokens of a grandee's wealth, generosity, public service and honour—in short, of his *gratia* and *dignitas*.¹⁵ But these resources required showing off, and the pageantry of aristocratic life, Rome's "culture of spectacle and performance", to adduce Harriet Flowers' apposite phrase, constituted the continuing reinforcement of an awareness of the reality of these formidable and therefore influential assets.¹⁶ This is well known, and it is obvious how, by way of his deployment of distinguished intermediaries, any Roman seeking a favour could demonstrate the prominence and potency of his backing. This ingredient of self-display through the employment of connections, itself tacitly intimidating notwithstanding its silent role in a ceremony of solicitation and favour-seeking, must be deemed basic to the practice, and perhaps we spy a glimpse of this in Chrysogonus' exceptionable deputation of Roman nobles to persuade Amerian decurions. But this hardly exhausts the purposes, functions or meaning of *adlegatio*. And it is worth observing that in none of the Ciceronian instances of *adlegatio* that we have so far examined is the orator's emphasis on its potential for intimidation.

The difference between *adlegatio* and sheer intimidation, even by way of intermediaries, was a stark one. A familiar example will make this point clear. The whole of Rome learned, from Cicero's public letter to P. Lentulus Spinther, how, in the aftermath of Luca, the dynasts decided to warn Cicero

15 Individual clout: W. Jeffrey Tatum, "The Practice of Politics and the Unpredictable Dynamics of Clout in the Roman Republic", ed. Dean Hammer, *A Companion to Greek Democracy and the Roman Republic* (Oxford: Wiley Blackwell, 2015), 257–273 (assembling sources and bibliography). On the difficulties associated with mobilizing individual clout, see Meier, *Res Publica Amissa*, 175–180.

16 "culture of spectacle and performance": quotation from Harriet Flower, "Introduction to the First Edition," *The Cambridge Companion to the Roman Republic*, 2nd ed., ed. Harriet Flower (Cambridge: Cambridge University Press, 2014), xxxi; cf. further Flower's chapter in the same volume, "Spectacle and Political Culture in the Roman Republic," 377–400, as well as Egon Flaig, *Ritualisierte Politik: Zeichen, Gesten und Herrschaft im Alten Rom* (Göttinger: Vandenhoeck und Ruprecht, 2003), with Karl-Joachim Hölkeskamp, *Reconstructing the Roman Republic: An Ancient Political Culture and Modern Research* (Princeton: Princeton University Press, 2010), 107–24 and Karl-Joachim Hölkeskamp, "Raum – Präsenz – Performanz. Prozessionen in politischen Kulturen der Vormoderne – Forschungen und Fortschritte," eds. Ortwin Dally et al., *Medien der Geschichte—Antikes Griechenland und Rom* (Berlin: de Gruyter, 2013), 359–95.

off any further attempts to revisit Caesar's agrarian legislation. Pompeius did not contact Cicero directly to signal this new dispensation. Instead, he held an interview with Quintus, to whom he made it all too abundantly plain that the dynasts' position was not a negotiable one: *questus est graviter* is how the orator put it (*Fam.* 1.9.9), a brief statement followed by a long litany of Pompeian pressurizing, all explicitly concerned with the importance of Caesar's *dignitas*, not Cicero's. Pompeius did at least ask—*rogavit* makes an appearance—but that could hardly compensate for the heavy-handed strong-arming that preceded it. And just to clarify the realities of this communication, Pompeius also sent L. Vibullius Rufus, his *praefecus fabrum*, to visit Cicero—*cum mandatis* (*Fam.* 1.9.10). This was harsh stuff, and entirely alien to the sensibilities associated with *adlegatio*.

Which brings us back to our original passage. There is nothing in the *Comm. Pet.*'s admonition to Cicero that begins to suggest that, by way of *adlegatio*, Cicero can put pressure on the nobility to endorse his candidature. This is all the more remarkable when one observes that, elsewhere in the work, the *Comm. Pet.* teems with insistent notices that Cicero should exploit his ample following in an assertion of his *dignitas* and that, in dealing with supporters from the equestrian level down, he must constantly remind them of his past benefactions.¹⁷ But this is never the case when the *Comm. Pet.* refers to the nobility or even to the senatorial order, and in our passage it is plain that the primary purpose of its prescribed *adlegatio* is to win over the nobility *by showing them honour*.¹⁸

It is intriguing, and perhaps counter-intuitive, that sending representatives to cultivate the nobility apparently reveals a higher regard for them even than making a personal appearance. But it is not hard to see why: making arrangements for such a delegation can only have required considerable care and trouble, and naturally it entailed the participation and therefore the solicitation of friends and family and other associates, a process that entrained additional, complicating debts of *gratia* along the way but also lent palpable human shape to Cicero's personal following. This display of collective esteem must have mattered to the success of any *adlegatio*, not least because its actual execution, plainly, was an unsimple matter.¹⁹

17 Q. Cic. *Pet.* 3–5, 13–53.

18 Q. Cic. *Pet.* 4, 6–7, 12, 51.

19 The prestige of the intermediaries was also an important element in this transaction. See, by way of comparison, Paul M.M. Leunissen, "Conventions of Patronage in Senatorial Careers under the Principate," *Chiron* 23 (1993): 101–20.

That it is honour and not principally pressure that the *Comm. Pet.* has in mind in our passage is made clear in this work's other reference to the practice. Urging Cicero to be comprehensive in winning over the influential, be they senators or freedmen, the *Comm. Pet.*, at section 29, recommends that the orator approach such figures personally—but then goes on, at greater length, to indicate how important it is that he resort to *adlegatio*.

quos [referring to all who are influential, from the senatorial order down to libertini in foro gratiosi] per te, quos per communis amicos poteris, summa cura ut cupidi tui sint elaborato, appetito, adlegato, summo beneficio te adfici ostendito.

Q. CIC. PET. 29

You must take the greatest pains, on your own behalf and through common friends, to make as many of these men as you can into your eager partisans. Seek them out yourself. Send representatives to win them over. Make it plain to them how much you are touched by the great favour they do you.

It is primarily as an expression of esteem, then, and not as an instrument for pressurising through intimidation, that the *adlegatio* does its cultural work. After all, saying yes—acceding to reasonable and unexceptionable petitions—was second nature to any Roman aristocrat possessed of a proper feeling for *comitas*.²⁰ The institution of *adlegatio*, perhaps more clearly than most, offered him advance and generous payment in *gratia* in exchange for his natural generosity—by way of an event that was public enough to advertise his benefaction but still private enough to protect the reputations and dignity of all concerned should he find himself forced to decline.

In *adlegatio*, all parties had a stake in the outcome, but it remained the prestige of the men at the extreme ends of this negotiation that mattered most. Because his interlocutors were acting on behalf of another, and because the true initiator of the request was absent, there could be no status-threatening face-to-face rejection on the part of the recipient of an *adlegatio* or on the part of his real petitioner. No party could claim to be threatened or coerced or even dishonoured: only disappointed, however severe the quality of that disappointment. And this, I suggest, is the central function and virtue of *adlegatio*: naturally, every petitioner wanted to get his way, but everyone in Rome

20 Still fundamental is Karl Heinz Heuer, *Comitas-facilitas-liberalitas: Studien zur gesellschaftlichen Kultur der ciceronischen Zeit* (Münster: Lengericher Handelsdruckerei, 1941).

recognised how unlikely it was that this would occur in every instance; by way of the practice of *adlegatio*, however, even rejection, though unwelcome, tended toward the recognition and preservation of the prestige and stature of everyone involved. To recur again to the evidence of Cicero, even in his denunciation of Verres, it is the man's unwillingness to give a fair audience—to participate properly in the practice of *adlegatio*—that is the real focus of the orator's outrage, a reaction underscored by dilating on the role of the courtesan Chelidon as the only intermediary who could get through to Verres during his praetorship.

We can see this dynamic played out even in tense political struggles. In 63—the episode is a familiar one—the praetor Metellus Celer rudely reprimanded Cicero on account of the orator's fresh feud with Metellus Nepos, the tribune who was also Celer's younger brother, and we possess Cicero's reply.²¹ Celer initiated his complaint to Cicero by appealing to their common friendship (Cic. *Fam.* 5.1.1: *pro mutuo inter nos animos*) and the reconciliation of their mutual esteem (Cic. *Fam.* 5.1.1: *pro reconciliata gratia*), the latter a phrase queried by Cicero, who insists that, on the score of *gratia*, there is nothing incommensurate in their relationship. He goes on to explain his calculations: the orator does *not* disapprove of Celer's fraternal affections; on the other hand, he asserts that *he* cannot be held responsible if his quarrel with Nepos is *rei publicae causa*. And, finally, he rehearses his own and patently proper response when he first became aware of Nepos' looming menace: he first consulted with Claudia, that is, Clodia Metelli, Celer's wife, and with Mucia, Celer's half-sister, entreating them to intervene on his behalf with Nepos, an obvious effort at *adlegatio*.²² This effort failed, however, and Cicero was publically attacked by Nepos.

Nonetheless, Cicero continued to negotiate, this time by way of renewed and extended (and masculine) *adlegatio* (*Fam.* 5.2.8: *mihi ad Metellum communis amicos qui agerent cum eo ut de illa mente desisteret*). This deputation also failed, though at least Nepos offered, as his justification, the aristocratic principle of *constantia*.²³ Thereafter, Cicero makes it clear, he felt he had done all that aristocratic courtesy required and was now free to respond to the man

21 Cic. *Fam.* 5.1 (Celer to Cicero); *Fam.* 5.2 (Cicero's reply). Discussion: Jon Hall, *Politeness and Politics in Cicero's Letters* (Oxford: Oxford University Press, 2009), 153–60 (assembling previous scholarship).

22 Cic. *Fam.* 5.2.6.

23 *Constantia*: Joseph Hellegouarc'h, *Le vocabulaire latin des relations et des parties politiques sous la République* (Paris: Les Belles Lettres, 1963), 283–7; Alfons Weische, *Studien zur politische Sprache der römischen Republik* (Münster: Aschendorffsche Verlagsbuchhandlung, 1966), 38–52.

vigorously and did so—itself a reflex, Cicero makes clear, of his own *constantia* (*Fam.* 5.2.8). His conduct in this affair, Cicero goes on to urge Celer, should be viewed as evidence of his *humanitas*. And Cicero, who naturally will not relent from championing his own prestige, nevertheless leaves the door open to a future reconciliation. Once again we see how the exercise of *adlegatio*, in all its manifestations, is centred round prestige, even as its exercise endeavours to press a point. It is also clear how *adlegatio*, because it entails the intermediation of friends and family, gives human expression to the social reality that all parties involved are intimately implicated in one another's social and political future. This is true even when, as here, the intermediation fails: everyone can at least claim to have done one's best, the particulars of the dispute have been defined and suitably publicised, and the parameters of the contest, however intense it may become, are restrained within the normal and normative restrictions on aristocratic behaviour.²⁴

3.3 The *adlegatio* Aspect

It is time to consider how dispositions associated with *adlegatio* can help to elucidate other analogous instances of intermediation in Roman aristocratic society. Let us consider another familiar episode. Around May in 49, Caesar, desiring to secure the political neutrality of Cicero, assembled what we may fairly dub an epistolary *adlegatio*. Letters were sent to the orator by M. Caelius Rufus, by M. Antonius, and by Caesar himself.²⁵ Although each letter exhibits a high degree of individuation—there is no missing the distinctive styles of their distinct authors—it is entirely obvious that these letters represent a collective admonition and rely on the same talking points.

Each writer dutifully emphasises his *amicitia* with the orator, an assertion that, in the case of Antonius, was apparently an awkward one. Friendship is advanced in each letter as the basic incentive for writing, coupled in the letters

24 Cultural restrictions on aristocratic competitive behaviour: Nathan Rosenstein, *Imperatores Victi: Military Defeat and Aristocratic Competition in the Middle and Late Republic* (Berkeley and Los Angeles: University of California Press, 1990), 1–8; Karl-Joachim Hölkeskamp, *Senatus Populusque Romanus: Die politische Kultur der Republik—Dimensionen und Deutungen* (Munich: Franz Steiner Verlag, 2004), 11–48.

25 Caesar's epistolary *adlegatio*: M. Antonius (Cic. *Att.* 10.8A); Caesar (Cic. *Att.* 10.8B); M. Caelius Rufus (Cic. *Att.* 10.9A). Discussion: Hall, *Politeness and Politics*, 87; Andrew Lintott, *Cicero as Evidence: A Historian's Companion* (Oxford: Oxford University Press, 2008), 295–8; Rollinger, *Amicitia sanctissime colenda*, 200–02.

of Antonius and Caesar with an expression of anxiety over certain rumours, scrupulously labelled as false, alleging that Cicero had taken it into his head to leave Italy and join Pompeius. Caelius, by contrast, can't be bothered with this subterfuge: he lets Cicero know that Caesar has heard what he is up to. Each writer, in his own way, concentrates on the essential point, which is that Cicero must consider his position and act in a way that exhibits his continuing friendship with Caesar. With this in mind, both Antonius and Caelius adduce the situation of Dolabella, Cicero's son-in-law and Caesar's partisan; Antonius goes so far as to mention Tullia as well, a move that casts Cicero's favourite child in the role of intercessor for Caesar (we have seen something similar to this strategy before, in Cicero's letter to Marcellus). Caelius, like Caesar, addresses the illogic of Cicero's timing: it is nonsense, each insists, to join Pompeius at this stage in the civil war. And all three letters, just as they foreground the importance of Cicero's friendship, so do they express suitable care over sustaining Cicero's prestige. There is only one hint of menace, but it is a serious one: these letters, in their totality, make it clear that, although Caesar remains Cicero's friend, the invader's patience is fraying. Caelius urges Cicero not to offend Caesar and does so with candour: the man, he wants Cicero to know, is rougher than his public suspect. Antonius conjures only to reject the possibility that Caesar could renounce his friendship with Cicero (and, he goes on to say, even if he should do so, he would still protect the orator's *dignitas*). Caesar can speak more frankly: his letter insists that joining Pompeius would constitute nothing less than a violation of their *amicitia* and he appeals to Cicero, *pro iure nostrae amicitiae*, not to do so.²⁶ Finally, along with his letter, Antonius sends one of his personal friends—an actual human intermediary—to Cicero as proof of his affection and his concern for the orator's prestige.²⁷

26 Talking points: (i) "amicitia" with Cicero: Antonius (Cic. Att. 10.8A.1); Caesar (Att. 10.8B.1–2); Caelius (Att. 10.9A.1); (ii) rumours: Antonius (Att. 10.8A.1); Caesar (Att. 10.8B.1); Caelius (Att. 10.9A.1–2 and 4 refer candidly to Caesar's information); (iii) Cicero must exhibit "amicitia" with Caesar: Antonius (Att. 10.8A.2); Caesar (Att. 10.8A.1–2 ("... pro iure nostrae amicitiae...")); Caelius (Att. 10.9A.1–5); (iv) P. Cornelius Dollabella (cos. 44): Antonius (Att. 10.8A.1); Caelius (Att. 10.9A.2); (v) Tullia: Antonius (Att. 10.8A.1); cf. Caelius (Att. 10.9A.1: "per liberos te oro et obsecro"; Att. 9A.2: "... filius unicus ... domus"; Att. 10.9A.5: "... tuosque omnis funditus..."); (vi) irrational to join Pompeius now: Caesar (Att. 10.8B.1); Caelius (Att. 10.9A.2–3), cf. Tullia's similar view (Att. 10.4.6); (vii) Cicero's prestige: Antonius (Att. 10.8A.1–2); Caesar (Att. 10.8B.2); Caelius (Att. 10.9A.2 and 5); (viii) Caesar's patience frayed: Antonius (Att. 10.8A.2: "... etsi non amabit, quod accidere non potest..."); Caesar (Att. 10.8B.2); Caelius (Att. 10.9A.1 and 5).

27 Antonius' *familiarissimus*: Cic. Att. 10.8A.2.

Now Jon Hall has demonstrated how carefully Antonius endeavours in his letter to lavish upon Cicero all due honour. So, too, do Caesar and Caelius, each in his own way. And in their ensemble these communications function very much like a dignified and respectful performance of *adlegatio*. In fairness to Caesar, he did not have many other options, under the fractured circumstances of 49, apart from resorting to this epistolary *adlegatio*, and at the time he cannot have known that his effort was doomed to fail. Consequently, in a manner that upholds the dignity of all involved, Caesar courteously puts his cards on the table.

Cicero could hardly be offended, even if he resented being obliged to commit himself at just this awkward juncture. It was perhaps for that reason that Cicero was irked by Antonius' participation, which he may have deemed unnatural inasmuch as the two men were far from intimate at the time.²⁸ Still, Antonius' selection by Caesar was sensible. Cicero had traditional ties to the Antonii; he and Antonius, whatever the coolness that existed between them, remained *amici*—and it was simply the case that, if Cicero yielded to Caesar's entreaties, it was Antonius, Caesar's man on the spot in Italy, who would have to manage the orator's inevitably fraught and complicated neutrality.²⁹ Perhaps Cicero perceived even this disagreeable aspect of Caesar's request: that he would soon be obliged to cooperate directly with Antonius instead of with Caesar, at least until the war had fought itself out. Hence his description of Antonius' perfectly correct letter as odious, and hence his polite reply, which suggested that Cicero intended a quiet withdrawal to Malta, a potentially face-saving concession.³⁰

But then Antonius got it wrong. After Cicero sent his letter, he got in reply a terse note from Antonius stating that allowing Cicero to leave Italy was outside his authority and that if Cicero were truly intending to remain neutral he would not go abroad. Dropping all pretence at intermediation, Antonius instructs Cicero to write Caesar directly.³¹ It is difficult to rehabilitate this Antonian communication: the face-saving exertions of aristocratic intermediation are entirely dispensed with, as are the responsibilities associated with intermediation. No longer is Cicero's dignity an issue in this exchange, nor Antonius' investment in Cicero's predicament. Instead, Antonius acts

28 Cic. *Att.* 10.8.10: "sed praemisit mihi odiosas litteras."

29 Antonius Caesar's man in Italy: sources assembled at *MRR* 2.260.

30 Cicero's reply to Antonius' letter: *Att.* 10.10.1; cf. *Att.* 10.12.1.

31 Antonius' curt response: Cic. *Att.* 10.10.2.

rudely and without consultation: perhaps Cicero really did describe his letter as *παρηνικῶς*.³² Still, we can see how, until Antonius' transactional failure, Caesar's epistolary *adlegatio* was intended to put the facts of life before Cicero in a manner preserving his sense of self and his sense of independence.

Let us remain with Antonius, and his correspondence, a little longer. Few epistolary exchanges can be better known than Antonius' and Cicero's in 44 on the subject of recalling from exile Sex. Cloelius, the scribe and lieutenant of Cicero's bitter enemy, P. Clodius Pulcher.³³ Acting in his role as step-father to Clodius' son, Antonius had secured Cloelius' recall from Caesar, or so he claimed, and in any case, as consul, was preparing to execute Caesar's decision, at which juncture he approached Cicero, *per litteras*, on what can only have been a sore point. In his detailed analysis of the language of this letter, Jon Hall insists that Antonius "adopts a highly deferential manner" and "goes out of his way to show respect for Cicero's wishes"—and he concludes that Antonius "goes to considerable lengths to show Cicero due respect in a difficult and delicate situation".³⁴ Now there is no missing the presence in this letter of polite phrases and courteous gestures, not least in Antonius' twice repeated assertion that he will not act without Cicero's permission, which in theory ought to mark out Cicero's superior position in this negotiation. But texts have contexts, or, put more fulsomely, letters to and from real people bring into play more than the explicit formulations through which they communicate.

Let us examine this letter through the lens of *adlegatio*, or at least keeping in mind the aristocratic dispositions associated with *adlegatio*. Antonius' principal connection to Sex. Cloelius lay in his relationship to young Pulcher

32 How did Cicero characterise Antonius' letter? Cic. *Att.* 10.10.1: "...vide quam ad haec παρην(ετ)ικῶς", so Shackleton Bailey, accepting Lambinus' conjecture (for the mss. *παρηνικῶς*), though another early conjecture proposes *τυραννικῶς*; see David Roy Shackleton Bailey, *Cicero's Letters to Atticus*, vol. 6 (Cambridge: Cambridge University Press, 1968), 414.

33 Antonius to Cicero: Cic. *Att.* 14.13A. Sex. Cloelius and Clodius: W. Jeffrey Tatum, *The Patrician Tribune: Publius Clodius Pulcher* (Chapel Hill: University of North Carolina Press, 1999), 115–7. Cloelius' exile: Asc. 55f. (C); cf. W. Jeffrey Tatum, "Publius Clodius Pulcher and Terracina," *ZPE* 83 (1990): 299–304. Clodius' son: Timothy Peter Wiseman, *Roman Studies* (Liverpool: Francis Cairns, 1987), 42–56.

34 Hall, *Politeness and Politics*, 93–9: Antonius "adopts a highly deferential manner" (p. 93); "goes out of his way to show respect for Cicero's wishes" (p. 94); "goes to considerable lengths to show Cicero due respect in a difficult and delicate situation" (p. 94); cf. Rollinger, *Amicitia sanctissime colenda*, 202–4. (p. 204: "Ob dies [viz. Hall's conclusion] eher der Wahrheit entspricht, können wir aus einer Distanz von 2000 Jahren nicht mehr letztgültig beurteilen").

Claudius, which means that he was acting as his intermediary: the sequence of intermediation we ought to be thinking about here begins with Pulcher Claudius, who, out of a spirit of *pietas*, had turned to Antonius on behalf of Cloelius; Antonius, then, as intermediary for young Claudius, was approaching Cicero over an issue that affected the prestige of both Cicero and young Claudius. And it will be obvious how Antonius was ideally suited to this task, being a relation of one of them and *amicus* to the other. Ideally, what was at issue in this exchange was not simply the question of Cicero's honour, but also the *gratia* he must inevitably gain from this favour—both from Claudius and from Antonius. And, if this had been a petition delivered by way of *adlegatio*, the presence of other Claudian connections could only have facilitated the publicity of Cicero's acquiescence and good turn. That, we can safely say, is how this transaction ought to have played itself out.

It didn't. Antonius did not approach Cicero personally, an aspect of this matter for which he only partially apologises.³⁵ Still, as we have seen, epistolary *adlegatio* lay to hand when circumstances worked against face-to-face facework. But as if to make it clear to Cicero just where he comes into any calculus of dignity in this matter, Antonius baldly informs him that he had already gained his point from Caesar, an exchange that obviously took place without any Ciceronian preliminaries.³⁶ Perhaps it was Antonius' intention to distinguish the operations of Caesar's dictatorship from the republican pretensions of his own consulship, but this possibility falters when Antonius returns to the topic of Caesar's authority later in his letter. Indeed, the reality of Caesar's prior decision tends to undercut Antonius' insistence that he—for one—will not offer any resistance to Cicero: *non contendam ego adversus te* hardly eliminates the possibility that *others* will put Caesar's *commentarius* to work on Cloelius' behalf.³⁷ After all, Cicero, like everybody else, was obliged to observe Caesar's *acta*.³⁸ In any case, the choice that Antonius puts before Cicero is a stark and unfair one: either he will act *humaniter* or become *durior* and expose himself as a creature of *contumacia*.³⁹ Nor is there much mention of *gratia*: Antonius adduces young Claudius only to underscore his own role as the boy's

35 Antonius' "apology": Cic. *Att.* 14.13A.1.

36 Cic. *Att.* 14.13A.2: "a Caesare petii ut Sex. Cloelium restitueret; impetravi.... videor debere tueri commentarium Caesaris ..."

37 Cic. *Att.* 14.13A.2: "non contendam ego adversus te; Att. 14.13A.3: quod si non impetro, per me Cloelio daturus non sum."

38 Caesar's *acta* had been confirmed by a *lex Antonia*: MRR 2.316.

39 Cic. *Att.* 14.13A.2–3: "quod si duriozem te ... praebes ... si humaniter et sapienter et amabiliter in me cogitate vis ... honestius enim et libentius deponimus inimicitias rei publicae nomine susceptas quam contumaciae."

mentor—and to suggest the boy's potential threat to Cicero's future security. It is true that Antonius uses that excellent word *rogare*, but only by way of invoking Cicero's unpaid balance of *gratia* (*Att.* 14.13A.3: *meo iure te hoc beneficium rogo; nihil enim non tua causa feci*). And all this in a very private communication that would do little to advertise Cicero's goodwill, if, as he must do, he elected to show it. In sum, then, if we have gained, through our review of the practice of *adlegatio*, any valid sense of how aristocratic intermediation ought to work in Roman society, it seems clear to me that, notwithstanding Antonius' ostensibly polite palaver here, his approach could only be taken by Cicero as demeaning. Indeed, Antonius' empty gestures toward facework could only highlight the absence of any healthy or sound intermediation here. And that is certainly how Cicero read the letter.⁴⁰

3.4 Intermediation Absent *adlegatio*

I wish to turn now to an episode in which, perhaps more than any other, the exertions of friends and family were central and extreme—and in which there is not even a hint of *adlegatio* or its related dispositions. I refer to the restoration of Metellus Numidicus (cos. 109). Exiled in 100 as a consequence of his resistance to the tribune Apuleius Saturninus, Metellus removed himself to Rhodes, where, in a display of perfect equanimity, he passed his time in intellectual pursuits.⁴¹ Meanwhile, in Rome, even after the deadly failure of Saturninus' sedition, Marius remained a formidable obstacle to Metellus' restoration.⁴² Nevertheless, in 98, Metellus' allies succeeded in securing his recall.⁴³ A diminished Marius departed on diplomatic duties in the East, whereas Metellus, upon his return to the city, was greeted by universal acclaim.⁴⁴

40 *Att.* 14.13.6: *quam dissolute, quam turpiter quamque ita perniciose.*

41 *Liv. Per.* 69; *Val. Max.* 4.1.13; [*Aur. Vict.*] *de vir. ill.* 62.3; *Plut. Mar.* 29.9–10; full sources and discussion at Gordon P. Kelly, *A History of Exile in the Roman Republic* (Cambridge: Cambridge University Press, 2006), 84–8; 178–9. Legislation and other activities of L. Apuleius Saturninus (tr. pl. 103, 100) in 100: *MRR* 1.575–6; *MRR* 3.20–3; discussion: Francesca Cavaggioni, *L. Apuleio Saturnino: tribunus plebis seditiosus* (Venezia: Istituto Veneto de Scienze, Lettere ed Arti, 1998), 87–171.

42 Ernst Badian, "The Death of Saturninus: Studies in Chronology and Prosopography," *Chiron* 14 (1984), 101–47, remains fundamental.

43 Metellus' recall by Q. Calpidius (tr. pl. 98): *MRR* 2.5. Badian, "Death of Saturninus," 137, dates his tribunate to 99.

44 Metellus' glorious return to Rome: *App. BC.* 1.33.149. Marius vacates Rome before Metellus' return: *Plut. Mar.* 31.1–2. Marius diminished after 100: *Plut. Mar.* 30.5–31.2; cf. Ernst Badian, *Studies in Greek and Roman History* (Oxford: Blackwell, 1964), 34–59. But he remained

Metellus' exile achieved nearly legendary status. Historians dilated on the topic,⁴⁵ and Cicero, as is well known, explained his own exile largely by appealing to Metellus as his principal exemplum.⁴⁶ Nor did Metellus' star fade in the empire.⁴⁷ The man's personal performance of his exile was a brilliant combination of show and tell: his famous public letters to Rome did the telling;⁴⁸ his deployment of spectacle, both at Rome and Rhodes, did the showing. And the man's exit from the city was anything but understated. After a final public clash with Saturninus, he demonstrated the extent of his personal following by way of a bulky procession first to the Capitoline and then to his home.⁴⁹ In so acting, Metellus made it clear by his departure that he was not going quietly—even if, thereafter, he struck a pose of cultured quietude.

Metellus removed himself to Rhodes, a situation which, as Gordon Kelly has rightly observed, signalled his unwillingness to wait on events in the city or to supplicate for pardon.⁵⁰ Instead, sustaining a proud mien of conspicuous

formidable: Alfredo Passerini, "Caio Mario come uomo politico," *Athenaeum* 12 (1934): 348–55.

- 45 Important in the installation of Metellus' exile in the historiography of the period was P. Rutilius Rufus (cos. 105), on whom see José María Candau, "Republican Rome: Autobiography and Political Struggles," In *Political Autobiographies and Memoirs in Antiquity: A Brill Companion*, ed. Gabriele Marasco (Leiden: Brill, 2011), 121–59, esp. 139–47; *FRHist*, vol. 3, 278–81.
- 46 Kelly, *History of Exile*, 153–5; Blom, *Cicero's Role Models*, 195–203.
- 47 Metellus as *sapiens vir*: Gell. 7.11.1. His writings, including his letters from exile, were praised by Fronto: Fronto, *Ep.* 1.7.4; discussion in Michel P.J. van den Hout, *A Commentary on the Letters of M. Cornelius Fronto* (Leiden: Brill, 1999), 40–1. Metellus' literary reputation: *Die archaische Literatur von den Anfängen bis Sullas Tod: die vorliterarische Periode und die Zeit von 240 bis 78 v.Chr.*, ed. Werner Suerbaum (Munich: C.H. Beck, 2002), 514–5.
- 48 Fragments of Metellus' correspondence: Gell. 15.13.6; Gell. 17.2.7; cf. Paolo Cugusi, *Epistolographi Latini Minores, vol. 1: Aetatem Anteciceronianam Amplectens* (Turin: G.B. Paravia & C., 1970), 113–4; Rita Degli'Innocenti Pierini, "Orgoglio di esule: su du frammenti di un'epistola di Q. Cecilio Metello Numido," *Maia* 52 (2000): 249–58.
- 49 Claudius Quadrigarius, fr. 78 (*FRHist*): "contione dimissa, Metellus in Capitolium venit cum mortalibus multis; inde domum proficiscitur, tota civitas eum reduxit" (Gell. 13.29.1). This passage is ordinarily associated with Metellus' return from exile, primarily on account of Quadrigarius' use of the word *reduxit*, but Tim Cornell is surely right in connecting it with the events of 100 (cf., looking through its melodramatic presentation, App. *BC.* 1.33.149): see the discussion, with bibliography, at *FRHist*, vol. 3, 324–5. Significance of the Capitol: Hölkeskamp, *Senatus Populusque Romanus*, 137–68.
- 50 Kelly, *History of Exile*, 153–5. On the significance of Rhodes as a place of political exile, see Michael Peachin, "Tiberius on Rhodes," in *Autorretratos: La creación de la imagen personal en la Antigüedad*, ed. Francisco Marco Simón, Francisco Pina Polo and José Remesal Rodríguez (Barcelona: Universitat de Barcelona, 2016), 129–42.

imperturbability, he devoted himself to cultural pursuits. And Rhodes was frequented enough by visiting Romans that Metellus could remain confident that his dispassionate demeanour was reported in the city. Which is why I suspect, *pace* Kelly, that Metellus was scrupulous in *never* arguing his case to any Roman visitors.⁵¹ Doing so could only have spoiled the show: it could hardly have been lost on anyone how Metellus' performance of exile enacted the sound if by then highly conventional moral advice of Hellenistic philosophers. The exiled Metellus elected neither abandon nor despair: like a good philosopher, he chose personal empowerment.⁵²

This pose of serene detachment was far from impracticable for a Roman enjoying Metellus' resources. As Cicero underlines more than once, his distinguished predecessor could count on the exertions of Rome's most powerful family and all its formidable connections.⁵³ The melodramatic appeals of Metellus' son, Quintus (cos. 80), attracted the greatest notoriety, earning him the cognomen *Pius*. But he did not act alone. Cicero can adduce the intercessions of L. Metellus Diadematus (cos. 117; cens. 115), of C. Metellus Caprarius (cos. 113; cens. 102)—and of Q. Metellus Nepos (cos. 98), who apparently integrated his calls for Numidicus' restoration into his canvass for the consulship of 98, itself a civic ritual suffused with begging the public for favour. The Metelli were joined by the Licinii Luculli, the Servilii and the Cornelii Scipiones, parades of nobles who, like Metellus Pius, made themselves conspicuous in their protests by donning mourning.⁵⁴ Pius went so far as to make a show of

51 Kelly, *History of Exile*, 88.

52 Philosophers on the subject of exile as an opportunity for personal empowerment: Robert Bracht Branham, "Exile on the Main Street: Citizen Diogenes," in *Writing Exile: The Discourse of Displacement in Greco-Roman Antiquity and Beyond*, ed. Jan Felix Gaertner (Leiden: Brill, 2007), 71–85. There were even lowbrow handbooks on the topic: e.g. Teles, on whom see (for text and commentary) Pedro Pablo Fuentes González, *Le Diatribes de Télès: introduction, texte revu, traduction et commentaire des fragments* (Paris: Librairie Philosophique J. Vrin, 1998) and the discussion by Heinz-Günther Nesselrath, "Later Greek Voices on the Predicament of Exile: from Teles to Plutarch and Favorinus," in *Writing Exile*, 87–107, esp. 88–91. On exile as an opportunity for personal refashioning (in imperial literature), see Tim Whitmarsh, "'Greece is the World': Exile and Identity in the Second Sophistic," in *Being Greek Under Rome*, ed. Simon Goldhill (Cambridge: Cambridge University Press, 2001), 269–305.

53 Metellus' resources superior to Cicero's: *Cic. Red. Sen.* 37; *Red. Quir.* 6. cf. Kelly, *History of Exile*, 84–5; Blom, *Cicero's Role Models*, 196–7.

54 *sordes* and prayers: "*Cic. Red. Sen.* 37 (... flentes ac sordidati populo Romano supplicaverunt...); *Red. Quir.* 6 (permulti ... supplicaverunt ... filii pietas, propinquorum preces, adolescentium squalor, maiorum natu lacrimae...)."

grovelling before the tribune (and Marian ally) P. Furius, a pathetic pitch that was crassly and publically scorned.⁵⁵

Nothing could be more alien to the sensibilities of *adlegatio* than these debasing tactics. Because they threatened to rupture the parameters of aristocratic status, as recent studies have observed, the exploitation of *sordes* and the degrading spectacle of public begging were in fact sharply aggressive gestures concerned only with getting a result and not at all with the prestige of the individuals involved.⁵⁶ Even the *gratia* earned by way of acquiescence in these exchanges could be viewed by the public as paid for in the coin of the petitioner's personal disgrace (and it is no accident that, in the case of such intercessions, it is the petitioner who tends, in our sources, to win the credit for the exchange).⁵⁷

Nor did Numidicus' partisans stop with their provocative pleas, as the fate of P. Furius evinces. In the year following his public repudiation of Pius, he was brought to trial by a Metellan supporter, yet, before any hearing could take place, Furius was lynched by an angry populace—at least according to our sources, and perhaps this really was a spontaneous demonstration of mob violence.⁵⁸ Nevertheless, it must also remain a likely possibility that here we have to do with the action of men acting under the orders of the Metelli. Marius and Saturninus were not the only Roman politicians, in this troubled time, capable of ordering a political hit.⁵⁹ *Dabunt malum Metelli.*

55 P. Furius: his actions while tribune: *MRR* 2.2; the date of his tribunate: Badian, "Death of Saturninus," 132–3; *MRR* 3.96. Furius' rejects the pleas of the future Pius: App. *BC.* 1.33.144; cf. Val. Max. 5.2.7; Vell. Pat. 2.15.4.

56 *Sordes* and prayers acts of aggression: Jon Hall, *Cicero's Use of Judicial Theater* (Ann Arbor: University of Michigan Press, 2014), 40–63; see also Robert Kaster, "Some Passionate Performances in Late Republican Rome," in *A Companion to Greek and Roman Political Thought*, ed. Ryan K. Balot (Oxford: Wiley Blackwell, 2009), 308–20.

57 Supplication and *gratia*: e.g. Kathryn Welch, "Alternative Memoirs: Tales from the 'Other Side' of the Civil War," in *The Lost Memoirs of Augustus*, eds. Christopher Smith and Anton Powell (Swansea: Classical Press of Wales, 2009), 195–224; Josiah Osgood, *Turia: A Roman Woman's Civil War* (Oxford: Oxford University Press, 2014), 124–8. One should not overlook, in regard to the credit accruing to petitioners, the signification of the Temple of Fortuna Muliebris in the legend of Coriolanus: Liv. 2.33.5–40.12; Dion. Hal. *Ant. Rom.* 6.92–8.62; Plut. *Cor.* 37.

58 Furius' lynching: App. *BC.* 1.33.148; D.C. 28, fr. 95.2–3.

59 Recent political assassinations: the murder of A. Nunnus: Plut. *Mar.* 29.1; App. *BC.* 1.28.127–29; Val. Max. 9.7.3; Florus 2.4.1; [Aur. Vict.] *de vir. ill.* 73.5; Liv. *Per.* 69; the murder of C. Memmius: App. *BC.* 32.142; Oros. 5.17.5; Florus 2.4.4; Liv. *Per.* 69—though Passerini, "Caio Mario," 282–4, argued that Memmius was killed in a riot and not by design.

Not that any of this, from the donning of *sordes* to the assassination of political enemies, had, so far as the Roman public were concerned, anything directly to do with Metellus Numidicus, who remained conspicuously uninvolved. And here lies a crucial component in the campaign to bring Metellus home: although his family and friends were nearly frenzied in their appeals, Metellus himself remained conspicuously and entirely apart from this intermediation. Although the contest was waged over his status, he in no way entered into negotiations that could leave him indebted to his adversaries, nor did he perform any action that exhibited even the meanest respect for their prestige.

This complementarity, between the philosophical tranquillity of Metellus' Rhodian exile and the perturbations of political contention within the city, was sustained in Metellus' public correspondence. We possess only two explicit quotations, and each comes from a letter addressed to Cn. and L. Domitius, brothers who were the future consuls of 96 and 94 respectively.⁶⁰

at cum animum vestrum erga me video, vehementer consolor, et fides virtusque vestra mihi ante oculos versatur (fr. 1a Cugusi = Gell. 15.13.6).

But whenever I recognize your feelings toward me, I am profoundly consoled, and your loyalty and your valour are exhibited before my very eyes.

illi vero omni iure atque honestate interdicti, ego neque aqua neque igni careo et summa gloria fruniscor (fr. 1b Cugusi = Gell. 17.2.7).

In truth, it is they who are interdicted—from everything that is just and honourable. As for me, I am without neither water nor fire, and I am enjoying supreme glory.

The first quotation, fr. 1a, through its emphasis on Metellus' seeing with his mind's eye the fine but abstract qualities of the Domitii, simultaneously underscores their mutual affection and the physical distance that separates them—good epistolary stuff under any circumstances but suitably affecting in a letter from an exile.⁶¹ The second quotation, fr. 1b, is slightly more interesting: here, through his creative deployment of concepts grounded in Roman legal culture,

60 On these brothers, see Jesper Carlsen, *The Rise and Fall of a Roman Noble Family: The Domitii Ahenobarbi, 196 BC–AD 68* (Odense: University Press of Southern Denmark, 2006), 42–52.

61 Letters inscribe friendship: Demetr. *Eloc.* 225, 231; cf. Heikki Koskeniemi, *Studien zur Idee und Phraseologie des griechischen Briefes bis 400 n. Chr.* (Helsinki: Harrassowitz, 1956),

notably interdiction from water and fire, Metellus adapts the Cynic conceit that the condition of exile is in fact a delusion. Metellus also reprises the long-standing notion that the exile of a good man is a disgrace—*not* for the exile but for the evil men who banished him. Metellus' suggestion here that a lawless man is an exile even if he has not been banished is later replicated by Cicero in his *Stoic Paradoxes*. Another Greek convention is Metellus' apparent reprisal of the Cynic view of *autarkeia* in exile as a virtue.⁶² Still, Metellus can hardly be said to have gone Greek. This letter, through its Roman formulation, its Roman destination and its Roman audience, situates the absent Metellus in the thick of Roman aristocratic competitiveness.

These meagre lines hardly exhaust Metellus' epistolary output during the two years of his exile, a conclusion of which we may be confident not least because Cicero, in adducing Metellus as an example, is helpful in filling in the gaps. It is obvious from Cicero that Metellus must have underscored his *peaceable* exile. And Metellus apparently made clear his devotion to lawfulness. And without question he boasted of his exile's glorious nature.⁶³

When looking back at Metellus Numidicus, the Romans agreed that his performance of exile was his greatest triumph.⁶⁴ And they were right. Bookended by purely Roman spectacles—his parade through the city and his glorious reception at the gates of Rome—Metellus, in Rhodes, observed the detached life recommended by philosophical advice. At the same time, in his public correspondence, the absent Metellus exploited the medium to inscribe himself into the city's aristocratic culture by way of dispassionate messages affirming the importance of genuine *amicitia* and the proprieties of Roman law—all of this while his friends and family remained anything but dispassionate in their gritty exertions on his behalf. And because Metellus' restoration was achieved

35–7. Letters inscribe separation: Michael Trapp, *Greek and Latin Letters* (Cambridge: Cambridge University Press, 2003), 36–8.

62 *Aquae et ignis interdictio*: discussion in Kelly, *History of Exile*, 25–39 (with further references). Metellus interdicted: App. *BC*. 1.31.139–40; cf. Cic. *Dom.* 82; Liv. *Per.* 69. On the Cynic insistence that exile is a delusion, see Branham, "Exile on the Main Street," assembling texts and discussion. On the true economy of disgrace in exile, see Nesselrath, "Later Greek Voices," esp. 88–91. On the lawless man who is in actuality an exile even if not technically exiled, see Cic. *Parad.* 31. On Cynic *autarkeia* in exile, see Branham, "Exile on the Main Street," 77.

63 Metellus' self-presentation by way of Cicero: Metellus' peaceable exile: Cic. *Sest.* 37; *Pis.* 20; *Planc.* 89. Metellus and lawfulness: Cic. *Sest.* 37. Metellus' glorious exile: Cic. *Dom.* 87; *Sest.* 37 (critical); *Planc.* 89.

64 Vell. 2.15.4: "nec triumphis honoribusque quam aut causa exilii aut exilio aut reditu clarior fuit Numidicus."

by way of these gritty exertions, in a register entirely unlike the polite rituals of *adlegatio*, his return to Rome was indeed a personal triumph: his traditional repositories of aristocratic clout had been deployed in such a way that Metellus owed not a bit of gratitude to anyone—and certainly not to the likes of Marius or his other enemies. This was intermediation of a raw and aggressive variety, and, by way of the *comparandum* of *adlegatio*, it is clear to us how its role in Metellus' restoration preserved his honour in an expression of uncompromised and uncompromising superiority.

3.5 Conclusion

Long before this reversal, if we can believe Sallust, Marius had complained how the nobility were too comfortably furnished with *cognatorum et adfinium opes* and *multae clientes*: these advantages, he conceded, served them as a mighty fortress: *omnia haec praesidio adsunt*.⁶⁵ But actually summoning such helps, like summoning spirits from the vasty deep, was no trifling undertaking, and success could never be a certainty. Too many nobles failed too many times. Even Metellus languished in exile for two years, and Metellus' achievement, Cicero's pretensions notwithstanding, was unparalleled. Christian Meier was surely correct when he proposed that it was only at elections and in the face of existential crises that even the mightiest noble could be certain of mustering his forces in real bulk and in concentration.⁶⁶ It was an exertion that could not be undertaken too often; hence the need for more refined and less extreme means of looking after one's interests. This search for refinement was also necessary because aristocratic society, for all its fierce competitiveness, could not remain always red in tooth and claw: there had to be limits on aristocratic struggling, which is why Roman society provided abundant incentives for co-operation and the maintenance of consensus—in which operations facework was vital.⁶⁷ Amid the variegated flurry of intermediation that was a pervasive

65 Sall. *Iug.* 85.4.

66 Meier, *Res Publica Amissa*, 180.

67 Cooperation and consensus: e.g. John Alexander Lobur, *Consensus, Concordia and the Formation of Roman Imperial Ideology* (London: Routledge, 2008); Hölkeskamp, *Reconstructing the Roman Republic*, 98–106; Martin Jehne, "Konsenfiktion in römischen Volksversammlungen: Überlungen zur frührepublikanischen Curienversammlung und zu den kaiserzeitlichen Destinationscenturien," in *Genesis und Dynamiken der Mehrheitsentscheidung*, eds. Egon Flaig and Elisabeth Müller-Luckner (Munich: Oldenbourg Verlag, 2013), 129–52; Valentina Arena, "Informal Norms, Values, and Social Control in the Roman Participatory Context," in *A Companion to Greek Democracy and the*

and vital dynamic in republican Rome, the practice of *adlegatio* reveals how carefully, even exquisitely, Romans could negotiate important matters while keeping in mind the ineluctable imperatives of their joint social intercourse, the continuation of which remained, in all but the most extreme cases, absolutely indispensable. Consensus was a crucial, if sometimes elusive, social ideal. And the cluster of sensibilities associated with *adlegatio* provides us with a helpful tool for identifying and interrogating Roman exchanges in other registers, some of which recruited intermediaries for purposes that were blatantly and exclusively expedient, while others strained, more sociably if not always successfully, at winning favour by finding favour—and by showing it.⁶⁸

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Roman Republic, ed. Dean Hammer (Oxford: Wiley Blackwell, 2015), 217–38. A global study of this idea is Egon Flaig, *Die Mehrheitsentscheidung: Entstehung und kulturelle Dynamik* (Paderborn: Ferdinand Schöningh Verlag, 2013).

- 68 I am grateful to the workshop in Seville for its discussion of my paper, versions of which were also presented to a panel on *Roman Exile: Poetry, Prose, and Politics*, organised by David M. Pollio and Gordon P. Kelly, and to the Department of Classics at the University of North Carolina at Chapel Hill: on every occasion I received very helpful criticism.

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Circulation of Information in Cicero's Correspondence of the Years 59–58 BC

Francisco Pina Polo

Hundreds of letters written by Cicero have been preserved.¹ This is only the tip of the iceberg, since Cicero sent thousands of letters throughout his life that are now lost. His was not an exceptional case.² On the contrary, the Roman elite communicated with relatives and friends by letter. Of course, the Roman state always maintained a regular correspondence with magistrates serving in different areas of the Mediterranean, employing military personnel to carry out the communications. However, an official postal service (*cursus publicus*) only existed after Augustus.³ During the Republic, a sender had to use private means

* All dates are B.C.

- 1 See recently with supplementary bibliography Peter White, *Cicero in letters. Epistolary relations of the late Republic* (Oxford: Oxford University Press, 2010). More specifically Jon Hall, *Politeness and politics in Cicero's letters* (Oxford: Oxford University Press, 2009).
- 2 The writing of letters must have been one of the usual occupations of the elite. In one of his letters of the summer of 59, Cicero told Atticus that never before had his friend read a letter from him that had not been written by his own hands (cf. *Att.* 5.19.1: "epistulam ... scriptam mea manu"; 10.17.2; 11.24.2). Cicero had dictated that letter in exceptional circumstances because he was very busy at the time (*Cic. Att.* 2.23.1; cf. 4.16.1; 5.14.1; 8.12.1; 10.3a.1; 13.25.3; 14.21.4; 16.15.1). Guy Achard, *La communication à Rome* (Paris: Les Belles Lettres, 1991) 139, points out that a member of the Roman elite would have written or dictated around ten letters per day. The figure is speculative and must have depended upon circumstances, but in the case of Cicero one might imagine that he would actually have written a number of letters every day.
- 3 A.M. Ramsay, "A Roman postal service under the Republic", *JRS* 10 (1920) 79–86, suggested that perhaps Caius Gracchus may have promoted an official postal service and that Popilius Laenas (cos.132) could have implemented it in Southern Italy. Ramsay's thesis has not gained acceptance. In any case, an official postal service did not exist in the first century. If this had been the case, we can suppose that Cicero would have used it and mentioned it in his letters. On the *cursus publicus* Anne Kolb, *Transport und Nachrichtentransfer im Römischen Reich* (Berlin: Klio Beihefte 2, Akademie Verlag, 2000) 49–226; "Transport and Communication in the Roman State: The *cursus publicus*", in *Travel and Geography in the Roman Empire*, eds. Colin Adams and Ray Laurence (London: Routledge, 2001), 95–105; "Communications and Mobility in the Roman Empire", in *The Oxford Handbook of Roman Epigraphy*, eds. Chister Bruun and Jonathan Edmondson (Oxford: Oxford University Press, 2014), esp. 660–63.

to dispatch a letter.⁴ Probably only the wealthiest families had at their disposal *tabellarii*, that is, freedmen or slaves employed as private couriers. These *tabellarii* were frequently shared among close friends to facilitate the circulation of correspondence but also to reduce costs, although this does not seem to have been a major concern. A letter could be given to a friend travelling in the same direction as the addressee. In exceptional cases, the network of private carriers created by the *publicani* could be used, particularly in certain provinces of the Empire. Anyway, a letter could only be entrusted to a person whose confidence could be relied upon, in order to ensure that the missive reached its destination without interference. All in all, security and speed of the correspondence depended on a variety of circumstances: distance, travel by earth or sea, conditions on the route, bandits, reliability of the courier, and so forth.

Apart from his forced stays in Sicily and Cilicia as a quaestor and as governor, Cicero preferred to remain in Rome as long as possible, although he usually spent time in some of his properties in Latium and Campania. Part of the year 59 and especially 58—also 57, of course, but we do not have any correspondence for the last months of his exile—were quite exceptional in Cicero's life, since most of the time he lived outside Rome, so they provide a good example of the way in which political information circulated from the city to Italy and other regions of the Empire.

During the spring of 59, Cicero lived in his *villae* of Antium and Formiae, far away from the political scene in Rome, which was dominated by the consul Caesar with the help of his allies Crassus and Pompey. Throughout this time his correspondence with Atticus allows us to verify to what extent Cicero kept informed of what happened in Rome. We do have indirect information through Cicero's own letters, since Atticus' correspondence has not survived. So, we know Cicero's responses to Atticus, as well as his requests, but not the first-hand information itself. We can guess that Atticus endeavoured to report to his friend anything that might be of interest to him, but we do not know his selection of events and facts, because Cicero himself, with his letters, is usually our main source of information for this period.⁵ In June 59 Cicero was back in Rome, while Atticus was outside the city. From this moment on,

Cf. Sylvie Crogiez, "Le *cursus publicus* et la circulation des informations officielles par voie de mer", in *L'information et la mer dans le monde antique*, eds. Jean Andreau and Catherine Virlouvet (Rome: École Française de Rome, 2002), 55–67.

4 See John Nicholson, "The delivery and confidentiality of Cicero's letters", *The Classical Journal* 90, 1994, 33–63, esp. 33–34. Cf. Achard, *La communication à Rome*, 131–49.

5 On Cicero as a historical source see Andrew Lintott, *Cicero as evidence. A historian's companion* (Oxford: Oxford University Press, 2008), especially for the period 59–57 see pages 167–82.

Cicero became the informant of the political situation for his friend until he decided to go into exile harassed by Clodius, in March 58. Cicero left Rome convinced that his banishment would be brief, but in fact his exile lasted until September 57. For that time we have a number of letters addressed once more to Atticus in 58 (only two very short letters were sent at the beginning of 57), as well as a small number for his wife Terentia and his brother Quintus.⁶ These last letters contain above all news related to the family. The correspondence with Atticus, on the other hand, is full of political information, and will thus constitute our focus.

My purpose is to determine how the correspondence between a prominent politician like Cicero and a citizen as well connected as Atticus worked when one of them was temporarily living outside of Rome: how frequently did they exchange letters? How regularly were letters posted and delivered? What other means existed for keeping informed? What kind of public and political information circulated? To what extent were official documents copied and distributed? How important were rumours and private conversations? In short, how far and how quickly did information generated in Rome reach other places in Italy and across the Empire?

4.1 Far from the Madding Crowd

A letter written probably in the final days of December 60 began with a piece of good news for Cicero, the acquittal of Valerius, who had been defended by Hortensius at his trial.⁷ After this short chronicle of courts for Atticus,⁸ Cicero briefly criticised Pompey, whom he described as *lascivus*, and focused on the political matters that worried him for the coming year, in particular the expected agrarian law of Caesar and the attitude that Cicero ought to take during

6 Cic. *Fam.* 14.1–4; *Q. fr.* 1.2–4.

7 Cic. *Att.* 2.3.1. The defendant was probably M. Valerius Messalla Rufus, later consul in 53. Cf. Michael C. Alexander, *Trials in the Late Roman Republic, 149 BC to 50 BC* (Toronto: University of Toronto Press, 1990) 118 n° 239.

8 In his previous letter, written in Antium in December 60, Cicero had asked Atticus about the arrival in Rome of Antonius Hybrida, his colleague in the consulship, and about his future trial (Cic. *Att.* 2.2.3). Antonius had been accused because of his behaviour as governor in Macedonia, the province that he had to leave at the end of his office to go to Rome. The jury was then being empanelled. Cicero had been informed—apparently not by Atticus—that P. Nigidius Figulus had threatened in a public assembly the judges that did not attend. Cf. Alexander, *Trials*, 119 n°241.

its discussion.⁹ What should he do in January regarding the agrarian law? He saw three possible courses. He could resist firmly, which would certainly bring about a fight, but would also advance his prestige. He could keep his peace, what meant to retire voluntarily to one of his *villae*. Or he could support the law, as Caesar expected. Actually, Caesar's close friend Cornelius Balbus had visited Cicero to make clear the expectations of the consul-designate. It seems that Cicero chose to do nothing, since he never claimed to have spoken for or against the Caesarian legislation while it was being discussed.¹⁰

There is a gap in the preserved correspondence between Cicero and Atticus until April and May, when Cicero decided to use the vacation in the courts to take his spring holidays, first at Antium and then at Formiae.¹¹ For this period we have fourteen letters addressed to Atticus. This concentration of correspondence allows us to follow Cicero's concerns in his absence, as well as to determine some of the political news and rumours coming from Rome. By then, the political situation had changed, since the agrarian law had been passed and the "triumvirs" had demonstrated their power.¹² Cicero was upset about the legislative initiatives taken by Caesar, and even more so about the support provided by Crassus and especially by Pompey, which for Cicero was a huge disappointment. Under the circumstances, he preferred to stay far from Rome for a while, so as not to become embroiled in a political atmosphere that, in his view, was leading up to tyranny.

In most of his letters from this period, Cicero declared his indifference to what was happening in Rome. He had supposedly lost interest in politics. He did not want to devote more time to politics but rather to philosophy, history or even to geography.¹³ In short, he preferred to enjoy his leisure (*otium*) far from the new tyranny of the dynasts.¹⁴ Nevertheless, this supposed lack of interest does not correspond with his permanent anxiety to receive news from Rome. Cicero continuously demanded that Atticus inform him in detail of everything that was happening in the city. Sometimes he asked for general information. On other occasions he wanted to know something specific.

9 Cic. *Att.* 2.3.3.

10 On the chronology of this period see Frank F. Abbott, "The chronology of Cicero's correspondence during the year 59 B.C.," *AJPh* 19 (1898): 389–405. Abbott considered it probable that Cicero was not in Rome during the passage of Caesar's agrarian law, what is very plausible taking into account his silence and his reluctance to take part in the debate. Abbott concluded that Cicero could have stayed in Rome in January and February, but that he was probably absent from the beginning of March until 1st June (392–393).

11 Lintott, *Cicero as evidence*, 167.

12 See App. *BC.* 2.10–12; D.C. 38.1–7; Plut. *Caes.* 14; *Pomp.* 47–48; Suet. *Iul.* 20.

13 Cic. *Att.* 2.4.3; 2.6.1; 2.8.1.

14 Cic. *Att.* 2.4.4; 2.5.2; 2.6.2; 2.7.4; 2.14.1; 2.17.2.

In the first preserved letter of April 59, Cicero wrote: "Let me know whatever you can find out about the political affairs". And he added: "especially who you think the future consuls will be".¹⁵ Although it was still some months before the elections would be held, the names of some candidates to the consulship were no doubt already known or at least rumoured at this point in the year. Cicero was especially sensitive to this matter, because the consuls of 58 could be decisive if Clodius was elected tribune of the plebs and attacked him, as indeed happened. In his next letter, Cicero stated that history was for him much more important than the rumours of his own time: "What will the history tell about me within six hundred years?" But he admitted his fear of gossip citing Homer's words: "I fear the men and the women of long gowns from Troy".¹⁶ Then, he requested from Atticus a response to some questions that were bothering him: "De istis rebus exspecto tuas litteras..."¹⁷ First, again, who could be elected consuls: Pompey and Crassus according to public opinion ("ut populi sermo"), or Servius Sulpicius Rufus and Aulus Gabinius, as somebody had written to him ("ut mihi scribitur"). These forecasts were only partially right, for Gabinius was certainly elected consul for 58, but his colleague was L. Calpurnius Piso. Sulpicius Rufus only reached the consulship in 51. As for Pompey and Crassus, their position of power in 59 as allies of Caesar could lead the people to assume that they aspired to a second joint consulship next year, but this does not seem to have been in their agenda until later on. Cicero also wanted to know about the reaction of Q. Arrius, who aspired to the consulship but had not received the support of Caesar as he had expected.¹⁸ Cicero then asked for information on new laws, as well as about the identity of the substitute for the deceased augur Metellus Celer. Actually, Cicero had a personal interest in this appointment, since he wanted to become an augur. He recognised that such a nomination would be the only thing by which he could be tempted in Rome, but he had to wait until 53 for this to happen. Finally, Cicero asked Atticus about what was happening with Clodius, who was without doubt one of the main characters in the Ciceronian letters in 58, as we shall see.¹⁹

15 Cic. *Att.* 2.4.4: "Tu quicquid indagaris de re publica, et maxime quos consules futuros putes, facito ut sciam." As if to apologise, next he stated that he had decided to forget politics for a time.

16 Cic. *Att.* 2.5.1.

17 Cic. *Att.* 2.5.2–3.

18 Cf. Cic. *Att.* 2.7.3.

19 Cicero wanted to take advantage of the relationship between Atticus and Clodius, as well as with his sister Clodia. Just a few days later than the aforementioned letter, Cicero asked Atticus to tell him about his conversations with Clodius and his future meetings with Clodia when she came back from Solonium: Cic. *Att.* 2.9.1.

Cicero's insistence and Atticus' readiness to write resulted in a very fluid correspondence. In fact, some passages contained in the preserved letters allow us to conclude that there was a daily exchange, at least while Cicero remained in Antium.²⁰ This is suggested by the events of one particular occasion. Towards the middle of April, Cicero was in Antium, eagerly awaiting a letter from Atticus in the evening, as usual.²¹ Atticus' boys (*pueri*) arrived, and Cicero inquired of them whether they had any letters for him.²² They answered that they had not. Astonished, Cicero insisted: "What is that? Nothing from Pomponius?" Intimidated by his voice and look, the slaves confessed that they had been given one letter, but had lost it on their way. Cicero, of course, became very angry.²³ This shows the occasional difficulties of exchanging correspondence, but the incident must be seen as exceptional in this context. Actually, Cicero implied the regularity of the post by stating that every letter from Atticus that he had received recently had contained something interesting or at least agreeable. Consequently, he compelled his friend to resend the lost letter of 15th April, whether it included something worthy of history or only unimportant news.²⁴

Cicero was very keen to receive news from Rome, but he also kept Atticus informed, using every opportunity to get in touch with his friend. He began his next letter as follows: "Since Caecilius the quaestor has suddenly told me

20 According to A.M. Ramsay, "The speed of the Roman imperial post", *JRS* 15 (1925): 73, the average rate of the post-couriers was fifty Roman miles per day, around five miles per hour. Cf. Nicholson, "The delivery and confidentiality of Cicero's letters", 34: "fifty miles or more per day"; Ray Laurence, *The roads of Roman Italy. Mobility and cultural change* (London – New York: Routledge, 1999) 81–82: "What is clear from the sources is that a messenger could cover between fifty and eighty miles per day in Italy ... This would mean that most towns in Italy could receive news from Rome within a period of less than five days". See Paolo Cugusi, ed, *Epistolographi latini minores* II 2 (Turin: Paravia, 1979), xxv–xxix: letters normally took less than a day from Rome to Antium or Tusculum, one or two for Formiae, two for Arpinum, three or four for Cumae or Pompeii, seven to nine for Brundisium.

21 Cicero seems to imply that dusk was the usual time at which letters arrived. When Cicero was later in Formiae, he received on the last day of April a letter from Atticus after dinner, when he was already falling asleep (Cic. *Att.* 2.16.1: *Cenato mihi et iam dormitanti...*).

22 It was apparently usual to send couriers in pairs, probably for greater security on the road. Cf. Nicholson, "The delivery and confidentiality of Cicero's letters", 55.

23 Cic. *Att.* 2.8.1.

24 He reiterated his request at the end of the letter: "Restore your letter for me and add something new to it" (Cic. *Att.* 2.8.2: "Epistulam superiorem restitue nobis et adpinge aliquid novi)."

that he is sending a slave to Rome, I have written this in haste..."²⁵ In order to be correctly located at all time, Cicero gave Atticus very detailed information about his movements. Travelling from Antium, he intended to arrive at his *villa* in Formiae to coincide with the *Parilia*. He planned to leave Formiae on first May and to reach Antium on the 3rd to enjoy the games in the town. Cicero then thought first to go to Tusculum, later to Arpinum and finally to Rome, where he planned to arrive around the first June.²⁶ In the next letter Cicero gave Atticus this information, adding that he wanted to leave Antium to make his way to Tusculum on 7th May.²⁷ However, a couple of days later, during his journey from Antium, he had already changed his mind and was determined to stay in Formiae until 7th May.²⁸ Cicero had decided not to return to Antium to see the games to avoid the suspicion that he was travelling just for pleasure.²⁹

This eagerness to be reachable at any time proved to be effective. As a matter of fact, two letters from Atticus were delivered at the same time to Cicero in Tres Tabernae—a *mansio* placed at the *via Appia*—when he was travelling from Antium to Formiae on the day of the *Cerealia*. Immediately after reading these letters Cicero wrote his response, around four o'clock in the afternoon, with the intention of sending it by means of the first reliable person he met the next day.³⁰ He actually did so very early in the morning, presumably before continuing his journey, as he stated in his next letter sent in the fourth hour of the day from Forum Appii, the next station on the Appian Way.³¹ Unfortunately, the letter sent from Tres Tabernae did not reach Atticus. "What an ignominy!" exclaimed Cicero when he informed Atticus that the letter had been returned to him. He had it delivered once again to its addressee, despite it no longer being relevant, but just for the pleasure of it being read.³²

Nevertheless, the further away from Rome, the more complicated it may have been to receive regular post. Accordingly, Cicero complained bitterly of feeling himself isolated in Formiae: "I tell you, I feel completely banished since being in Formiae".³³ When he was in Antium, Cicero went on, he had news from Rome every day thanks to Atticus' letters, which gave him better

25 Cic. *Att.* 2.9.1: "Subito cum mihi dixisset Caecilius quaestor puerum se Romam mittere, haec scripsi, raptim..."

26 Cic. *Att.* 2.8.2.

27 Cic. *Att.* 2.9.4.

28 Cic. *Att.* 2.10.

29 Already in Formiae, he reasserted his intention to remain there: Cic. *Att.* 2.11.2.

30 Cic. *Att.* 2.12.4.

31 Cic. *Att.* 2.10: "Ab Appi Foro hora quarta. Dederam aliam paulo ante a Tribus Tabernis."

32 Cic. *Att.* 2.13.1.

33 Cic. *Att.* 2.11.1: "Narro tibi, plane relegatus mihi videor, posteaquam in Formiano sum."

knowledge than the own population of the city about what happened in the government of the state. His complaint justified his demand that his friend was to send him a weighty letter (*ponderosa epistula*) full of information, along with Atticus' own opinions. Actually, his claim was no more than the result of his impatience, since he had arrived to Formiae just a couple of days previously. Antium was around 55 kilometers from Rome, whereas Formiae was 130. Letters should obviously have taken longer to get there, but there was a very good communication route between Rome and Formiae by means of the Appian Way.³⁴ Despite Cicero's complaints, he seems to have received correspondence during his stay in Formiae with a similar frequency as when he was in Antium.³⁵

In that first complaining letter written in Formiae, Cicero said that his only way to pick up information about Rome was from passing travellers ("ex praetereunte viatore").³⁶ This was indeed a source of information for people living out of the city temporarily, as Cicero himself revealed. When he was in Antium, he was visited by Curio the Younger.³⁷ We do not know whether Curio travelled specifically to meet him or was also staying in the area. In any case, the meeting served as a corroboration of what Atticus had previously told Cicero about Clodius. Cicero was also pleased to verify that Curio—as well as the younger generation according to him—was utterly against the "triumvirs". A few days later Cicero met Curio again, this time in Tres Tabernae, on the road to Formiae. Cicero summarised his conversation with Curio in the aforementioned letter written in the station, which once more dealt mostly with Clodius. Cicero was informed that Clodius was running for the tribunate of the plebs, and that he was now hostile to Caesar, whose legislation he intended to revoke.³⁸ Cicero does not seem to have been impressed by the information given by the young Curio. After bidding him goodbye, he rushed to read the letters of Atticus, which had been delivered to him at the same time (see above). In comparison, the letters were, without hesitation, victorious: "How much

34 At the beginning of the civil war, Cicero actually demanded that Terentia send him a letter every day when he was living in Formiae: "et velim tabellarios instituat certos, ut quotidie aliquas a vobis litteras accipiam" (Cic. *Fam.* 14.18.2).

35 Six letters written by Cicero in Formiae during the last days of April and the beginning of May have been preserved (Cic. *Att.* 2.11; 2.13–17). As their contents show, they answered previous letters sent by Atticus.

36 Cic. *Att.* 2.11.1.

37 Cic. *Att.* 2.8.1.

38 Cic. *Att.* 2.12.2.

more I saw in your letters than in his talk about what is happening, the daily rumination, the plans of Clodius..."³⁹

Cicero felt reverence for Atticus' letters. Through them he had the sensation of remaining connected to Rome during his absence. In one of the letters written by Cicero in Formiae at the end of April, he declared with admiration: "I seem to be in Rome when I read your letters".⁴⁰ They provided him with first-hand information from a loyal friend. What kind of information? We can determine this indirectly, by means of the preserved Ciceronian letters.

When Cicero arrived at Antium in April, Clodius was already beginning to become his greatest worry. In the first letter, the only specific political matter mentioned was the possible legation of Clodius before the king Tigranes of Armenia.⁴¹ As was revealed in another letter a couple of days later, Cicero was extremely interested in such an embassy, and wanted it to materialise.⁴² On the one hand, he hoped that Clodius would lose any popularity he had gained by turning plebeian. People might think that he had transferred himself to the plebs with the purpose of obtaining the distinction of paying a visit to an oriental king. On the other hand, Clodius' travel would delay his possible prosecution of Cicero for the Catilinarian repression in 63, although he boldly protested about it, claiming that he was actually anxious to plead with Clodius on the matter.

The threat from Clodius was directly connected to the possible travel arrangements of Cicero. When he first mentioned the embassy of Clodius before Tigranes, he linked it to a *libera legatio* that had been apparently offered to him.⁴³ Such a legation would give him a pretext for leaving Rome for a time and staying away from Clodius' intrigues.⁴⁴ As Cicero stated, if Clodius left he could postpone his own legation to a more convenient time, when his brother Quintus had abandoned his province in Asia and Clodius' intentions were better known. Cicero also had other options for staying away from Rome, namely an embassy to Egypt.⁴⁵ Since this official mission would be offered to him by the "triumvirs", Cicero was afraid that his public image would be affected

39 Cic. Att. 2.12.2: "Quanto magis vidi ex tuis litteris quam ex illius sermone, quid ageretur, de ruminatione cotidiana, de cogitatione Publi ..."

40 Cic. Att. 2.15.1: "Romae enim videretur esse, cum tuas litteras lego, et, ut fit in tantis rebus, modo hoc, modo illud audire."

41 Cic. Att. 2.4.2.

42 Cic. Att. 2.7.2.

43 Cic. Att. 2.4.2. Cf. Lintott, *Cicero as evidence*, 169.

44 Cicero was now ready to accept if necessary a *libera legatio*, but he had fought against this practice during his consulship because he considered it a source of corruption.

45 Cic. Att. 2.5.1.

negatively if he accepted. Nevertheless, he openly declared to Atticus his wish to visit Alexandria and the whole of Egypt. If Theophanes, the close friend of Pompey, should happen to consult Atticus on the subject, Cicero would ask him not to reject it straight away. He would decide in due course according to the circumstances.

Given the control over politics in Rome by the “triumvirs”, Cicero looked at any disagreement within their ranks with the hope of changing the situation: “Our only hope of salvation is the dissension among these individuals”.⁴⁶ Curio had apparently expressed in his visit some signs of that dissent, and Arrius was enraged about not having any option for the consulship (see above). Atticus himself had implied obscurely in one of his letters the dissatisfaction of the *quinqueviri* responsible for the distribution of land according to the agrarian law. If all this evidence were true, “things are in a better way than I thought”, Cicero said. But next he warned Atticus that his questions had nothing to do with his non-existent interest in politics, because his only desire was “to watch their shipwreck from land”.⁴⁷

Bibulus, Caesar’s colleague in the consulship, is another of the protagonists in the letters of April. Cicero was curious about a conversation between Atticus and Bibulus of which he did not give further details.⁴⁸ In the next letter, Cicero qualified as “greatness of mind” the postponement of the consular elections promoted by Bibulus in his attempt to obstruct every movement of Caesar and his allies.⁴⁹ Yet Cicero did not attach a great significance to Bibulus’ action, which he interpreted as a personal decision that did not improve the political situation.

The last two preserved letters of this series, written at the very beginning of May in Formiae, were focused on the second agrarian law of Caesar and on Pompey’s response to it. The most important point of this new agrarian law was the inclusion of the Campanian land for distribution.⁵⁰ The information provided by Atticus initially caused Cicero’s insomnia, but he later concluded that the matter was not such a serious problem after all. Actually, as he reflected in his letter, the distribution of the Campanian land could have a

46 Cic. *Att.* 2.7.3: “Una spes est salutis istorum inter ipsos dissensio.”

47 Cic. *Att.* 2.7.4: “... cupio istorum naufragia ex terra intueri ...”

48 Cic. *Att.* 2.14.1. In the same context, Cicero also showed curiosity about Atticus’ talk with Clodia and about a “nice banquet” (*delicatus convivium*) that he had already mentioned some days earlier (*Att.* 2.12.2).

49 Cic. *Att.* 2.15.2: “Bibuli autem ista magnitudo animi in comitiorum dilatione quid habet nisi ipsius iudicium sine ulla correctione rei publicae?”

50 Cic. *Att.* 2.16.1.

double effect: it would provoke the indignation of the *boni*, that is, of people who thought like Cicero, but also the dissatisfaction of the plebs who aspired to get a portion of land, since that territory was not sufficient for all of them. Cicero then wondered what Pompey's reaction would be. So far he had been tolerant towards Caesar, consenting to all his measures without assuming any personal responsibility. But now, what was Pompey going to say? How would he vindicate the new law?⁵¹

The last letter is particularly significant for understanding the feelings of Cicero at that moment. It begins as follows: "I share your opinion exactly as you write, it is Sampsiceramus (*Pompey) who is disturbing. We must fear everything: he clearly aspires to tyranny".⁵² This passage makes Cicero's frustration clear. He had anticipated a turbulent consulship for Caesar, but was deeply disappointed by Pompey's complicity. He could not have predicted the marriage of Pompey to Caesar's daughter, the inclusion of Campania in the agrarian law, or other abuses. All in all, even though Cicero blamed Pompey directly, he was aware of the latter's significance for the political situation in Rome and for himself. This is why Cicero asked Atticus to find out through Theophanes how Pompey was disposed towards him. Cicero concluded his letter by stating that this conversation with Theophanes would give them a clue about the general situation, but also an indication of how Cicero should conduct himself.⁵³

4.2 Back in the City, Back in the Game

In his last preserved letter sent from Formiae, Cicero made clear that he expected Atticus in Arpinum around 10th May. It is likely that Atticus fulfilled his commitment, and that the friends spent some time together.⁵⁴ As a result, we do not have any correspondence for that period. Cicero was back in Rome in

51 Cic. *Att.* 2.16.2. As in other letters, Cicero did not call Pompey by his name, but instead used the nickname Sampsiceramus (see *Att.* 2.14.1; 2.17.1–2). Other nicknames used by Cicero in this series of letters were Epicrates (or Iphicrates according to Tyrrell) (*Att.* 2.3.1) and Arabarches (*Att.* 2.17.3). On the suppression of proper names in Cicero's letters Nicholson, "The delivery and confidentiality of Cicero's letters", 49–51. See also C. Courier, "Les surnoms orientaux de Pompée dans la Correspondance de Cicéron (décembre 60–août 59): une approche historique", *Latomus*, 68 (2009), 599–620.

52 Cic. *Att.* 2.17.1.

53 Cic. *Att.* 2.17.3.

54 Abbott, "The chronology of Cicero's correspondence", 401: Cicero probably remained at Arpinum and Tusculum from 10th May to the end of the month, when he returned to Rome. Atticus probably left Rome for Epirus at this time.

June, whereas Atticus was living outside the city.⁵⁵ Consequently Cicero now became the correspondent, and eight of his letters written in the summer of 59 have survived, probably only a portion of the letters that were exchanged in this period. Although the correspondence was probably not as frequent as before, because of the distance between the friends, the preserved letters indicate that it was nevertheless regular.

Cicero now showed his fear about the security of the postal system.⁵⁶ In the second letter of this series (of July 59), he said that he had composed it in a fright. He promised to write later more openly, but only if he could find a trustworthy courier. Anyway, Cicero was sure that Atticus would be able to understand the meaning of his letters, even if he wrote obscurely. Despite this statement, Cicero gave his friend the clue: he would call himself Laelius and Atticus would be called Furius, the rest would be written in riddles.⁵⁷ In the next letter, Cicero showed his uncertainty once more: "On the political situation I am going to write to you briefly; I am afraid that our own paper may betray us".⁵⁸ This is why he preferred writing with allegories if he had something important to convey. However, he had changed his mind regarding the last letter. He no longer saw it necessary to alter Atticus' name, although he would call himself Laelius as he had proposed. As an additional precaution, Cicero would not use his own handwriting or seal, at any rate in letters that could be dangerous if they fell into a stranger's hands.⁵⁹

Apparently because of that fear, Cicero did not use to give Atticus a detailed account about the political situation in Rome, preferring instead to present a more general picture. Actually, in his first letter (of June) Cicero had already demanded that Atticus should not ask him for detail on every political matter.⁶⁰ As a consequence, he provided only a few specific pieces of news, such as for example the date fixed by Bibulus for the postponed elections, 18th October.⁶¹

55 Cicero finished the letter written after 25th July with these words addressed to Atticus: "Let me know what you are doing, how you enjoy yourself, how your relations are with the Sicyonians" (Cic. *Att.* 2.21.6).

56 In general about the (in)security of post, see Nicholson, "The delivery and confidentiality of Cicero's letters", 39–48.

57 Cic. *Att.* 2.19.5.

58 Cic. *Att.* 2.20.3: "De re <publica> breviter ad te scribam; iam enim, charta ipsa ne nos prodāt, pertimesco."

59 Cic. *Att.* 2.20.5.

60 Cic. *Att.* 2.18.2.

61 Cic. *Att.* 2.20.6. Lintott, *Cicero as evidence*, 172 n. 30: "The obstruction affected the curule, as well as the plebeian, elections".

The only exception is the monographic letter in which Cicero reported the Vettius affair in great detail.⁶²

Some topics were repeated with little change in almost all the letters. In virtually every one, Cicero pictured a terrible and despicable situation, with lack of liberty and no hope for the "good men" (*boni*). "What can I tell you about the Republic?", Cicero wondered at the end of July. And he answered himself: "It has perished".⁶³ Cicero spoke of a growing hatred towards the "triumvirs", of their increasing unpopularity among the people. It is not easy to determine whether this diagnosis was a response to the actual state of affairs or whether Cicero was indulging in wishful thinking. According to him, popular opinion (*populi sensus*) could clearly be felt in the theatre and in the spectacles.⁶⁴ Cicero described how in the gladiatorial games the authority (*dominus*), perhaps Pompey, and his cohort were welcomed with hisses. At the games in honour of Apollo, the actor Diphilus recited some verses that were interpreted as an attack against Pompey. Caesar's entry was accompanied by a light round of applause, whereas Curio the Younger received a standing ovation, which angered Caesar. Curio was, according to Cicero, the only real opponent of the dynasts, the only one who dared to speak openly against them.⁶⁵ Cicero also praised Laterensis for his honourable attitude. The second agrarian law on the Campanian territory included a disposition obliging all candidates for the next elections to swear before the people (*in contione*) that they would not make any proposal against the Caesarian legislation. All of them had sworn with the exception of Laterensis, who had preferred to renounce his candidature for the tribunate than take the oath.⁶⁶

In his letters of this period, Cicero focused on individuals such as Bibulus, Pompey and, of course, Clodius. Bibulus was, for Cicero, one of the great protagonists of the summer of 59. Consequently, he was mentioned in most of the letters in a similar way, a combination of surprise and scepticism: "Bibulus is exalted to the sky, I do not know why, but he is much praised...";⁶⁷ "Bibulus is exalted to the sky amidst the general admiration and popularity";⁶⁸ "I do

62 Cic. Att. 2.24. On the Vettius affair see Lintott, *Cicero as evidence*, 173–75.

63 Cic. Att. 2.21.1.

64 Cic. Att. 2.19.3.

65 Cic. Att. 2.18.1. Lintott, *Cicero as evidence*, 171, wonders how he was given the opportunity to speak, since he was too young to hold any of the magistracies of the *cursus*. He supposes that Curio was conducting a prosecution and used the occasion to denounce Pompey, or that he could intervene as a private citizen in the discussion of the legislation.

66 Cic. Att. 2.18.2.

67 Cic. Att. 2.19.2: "Bibulus in caelo est, nec, quare, scio, sed ita laudatur ..."

68 Cic. Att. 2.20.4: "Bibulus hominum admiratione et benevolentia in caelo est."

not know what the end of Bibulus will be. At present he is enjoying an incredible glory".⁶⁹ According to Cicero, Bibulus had become very popular because of his edicts and written speeches (*contiones*) issued from his house, where he had preferred to stay during his consulship. There was such great expectation that it was difficult to pass across the place where the edicts were posted because of the crowd that was reading them.⁷⁰ Bibulus' edicts and speeches were copied out and distributed.⁷¹ Cicero was aware that the edicts had been sent to Atticus, which shows that they were circulating widely.⁷² Both Caesar and Pompey were incensed with Bibulus. Taking into account that the postponement of the elections bothered the people, Caesar had tried in his speech to induce those attending a popular assembly to go to protest outside Bibulus' house, but he had failed.⁷³

As we have seen, in the last letter from Formiae Cicero had already demonstrated his frustration and his disappointment with Pompey, who was in his opinion responsible for what was happening during Caesar's consulship. These feelings developed and deepened in the following months, as can be seen in his letters, in which Cicero combined anger, sorrow and even pity for Pompey: "Pompey, whom I love so much, has lost his reputation himself, and I am very sorry for that".⁷⁴ On 25th July Cicero attended a popular assembly in which Pompey delivered a speech against Bibulus' edicts. He told Atticus that he could not avoid crying when he saw how depressed Pompey was, how different he was to the man who earlier had dominated the orators' tribunal.⁷⁵ Some days or weeks later, Cicero was persuaded that Pompey—"our friend Sampsiceramus"—deeply regretted the situation and wanted to reverse it.⁷⁶ A softening of the relationship between the two men seems to have occurred, but nonetheless Cicero saw no remedy for the situation.⁷⁷

69 Cic. *Att.* 2.21.5: "Bibuli qui sit exitus futurus, nescio. Ut nunc res se habet, admirabili gloria est."

70 Cic. *Att.* 2.21.4.

71 Cic. *Att.* 2.20.4.

72 Cic. *Att.* 2.19.5.

73 Cic. *Att.* 2.21.5.

74 Cic. *Att.* 2.19.2: "Pompeius, nostri amores, quod mihi summo dolori est, ipse se adflixit."

75 Cic. *Att.* 2.21.3.

76 Cic. *Att.* 2.22.6: "... taedet ipsum Pompeium vehementerque paenitet."

77 Cic. *Att.* 2.23.2.

However, the increasing preoccupation of Cicero was obviously Clodius: "he is my enemy", Cicero said blatantly in July.⁷⁸ In every letter, Cicero repeated over and over again like a litany the same complaints, with almost exactly the same words: Clodius was threatening him more and more, either with a trial or with violence; Pompey had talked to Clodius to recriminate him for his attitude, and he had reassured Cicero that Clodius would not act against him; Cicero was clearly happy with the sympathy that Pompey demonstrated towards him, but he distrusted Pompey's perception of the matter.⁷⁹ Leaving Rome to avoid Clodius' hostility was still a possibility. In June Cicero told Atticus that Caesar had offered him the opportunity to be his legate in Gaul after his consulship.⁸⁰ A *libera legatio* was still possible. This one was no doubt more desirable for Cicero, but it did not confer immunity upon him. The legation in Gaul was therefore more secure. Consequently he implied that he had accepted it, but he did not seem to have the intention of assuming the office in the end. In any case, he saw it as a sort of emergency exit in case of danger, and asked Atticus to keep his secret.⁸¹

As to his own attitude, Cicero defended his non-interventionist politics: he did not fight, but neither did he approve. He had taken the middle course.⁸² Cicero avoided being involved in politics, and dedicated his time to the courts and his other forensic work.⁸³ If we are to believe him, his popularity was increasing, his house was crowded, and the glorious memories of his consulship were recalled. Such sympathy towards him made Cicero believe that he had enough inner power and external support to face Clodius' threats.⁸⁴ Soon this optimistic perspective would be revealed as utterly mistaken.

78 Cic. *Att.* 2.19.4: "Noster autem Publius mihi minitatur, inimicus est." He used a similar expression in *Att.* 2.21.6: "Clodius inimicus est nobis."

79 Cic. *Att.* 2.19.1 and 4; 2.20.2; 2.21.6; 2.22.1–2; 2.23.3; 2.24.5.

80 Cic. *Att.* 2.18.3. Again in *Att.* 2.19.5.

81 In July Cicero had been invited to fill the place of Cosconius, who had recently died, on the board for the distribution of public land created within the framework of the agrarian law. Cicero did not accept because he considered this board unpopular and disgraceful (Cic. *Att.* 2.19.4).

82 Cic. *Att.* 2.19.2.

83 Cic. *Att.* 2.22.3; 2.23.3. Cf. Lintott, *Cicero as evidence*, 173.

84 Cic. *Att.* 2.22.3. We find a similar diagnosis of the political situation in a subsequent letter sent to his brother Quintus in 59: the whole of Italy was ready to help him if Clodius brought him to court; Pompey and Caesar kept making promises to him; the tribunes of the plebs designate were Cicero's friends; the consuls-designate were well disposed towards him (Cic. *Q. fr.* 1.2.15–16).

4.3 Too Long in Exile

In his letters of the summer of 59, Cicero asked Atticus over and over again to return to Rome, at any rate before Clodius would be elected tribune of the plebs.⁸⁵ His last letter was shorter than usual because he hoped to discuss everything with Atticus face to face very soon.⁸⁶ The presence of Atticus in Rome deprives us of correspondence for several months. The next preserved letter was written by Cicero in March 58. By then, his personal situation had changed dramatically. Clodius' threats had turned into fact, and Cicero was on his way into exile. He expected a short banishment, but ultimately had to suffer eighteen months out of Rome. Twenty-seven letters addressed to Atticus have been preserved.⁸⁷ They show above all his desperation and distress, but they also allow us to see the information that Cicero was receiving during his stay in Greece.

In all the early letters of this series, Cicero obsessively demanded that Atticus join him in exile: "try to follow me as soon as possible";⁸⁸ "I will be surprised if you don't do it, but I am confident that you will".⁸⁹ Only after some months did Cicero persuade himself that Atticus was more useful to him in Rome, and he gave up.⁹⁰ In the first weeks after leaving Rome, Cicero doubted where to go. The decision depended upon his convenience and security, but also upon the compulsory distance from the city established in the Clodian law. In April, he had decided to go to Cyzicus in Asia, or to Epirus in Greece.⁹¹ In the end, he did not travel that far and preferred instead to go to Thessalonica in Macedonia, where he arrived on 23th May, and he stayed there for most of his exile.⁹² In any case, Cicero kept his friend informed of all his movements and plans. While travelling southwards in Italy, he sent him letters from Nares

85 Cic. *Att.* 2.22.4–5; 2.23.3; 2.24.1 and 5.

86 Cic. *Att.* 2.25.2.

87 See Jo-Marie Claassen, *Displaced persons. The literature of exile from Cicero to Boethius* (London: Duckworth, 1999), 105–14; Sandra Citroni Marchetti, *Amicizia e potere nelle lettere di Cicerone e nelle elegie ovidiane dall'esilio* (Florence: Università degli Studi di Firenze, 2000) esp. 141–72. A very detailed chronological reconstruction in Pierre Grimal, *Études de chronologie cicéronienne (années 58 et 57 av. J.-C.)* (Paris: Les Belles Lettres, 1967), esp. 144–66.

88 Cic. *Att.* 3.1: "Quam ob rem te oro, des operam, ut me statim consequare."

89 Cic. *Att.* 3.3: "Si id non feceris, mirabor; sed confido te esse facturum." Cf. 3.2; 3.4; 3.6; 3.7.3; 3.9.3.

90 Cic. *Att.* 3.12.3, letter written on 17th July.

91 Cic. *Att.* 3.6; 3.7.1 and 3.

92 Cic. *Att.* 3.8.1.

in Lucania on 27th March, from Vibo and Thurium at the beginning of April, from Tarentum towards the middle of that month, and finally from Brundisium, where he sailed for Greece. Obviously we do not know how frequently Atticus was sending letters but no doubt he managed to reach his friend wherever he was. Cicero arrived at Brundisium on 17th April. A letter from Atticus was delivered to him that same day, and two days later another arrived.⁹³ According to Cicero, Atticus was collecting any news on the political situation that could raise in him any hopes of a change, although this was unexpected at the time.⁹⁴ Nonetheless, Atticus was not his only correspondent. Somebody else had sent him a copy of the Clodian bill in which an alteration had been included banishing Cicero beyond four hundred miles.⁹⁵ It was not the last time that copies of official documents would be sent to him, as we shall see.

Understandably, during his stay in Macedonia Cicero did not receive correspondence with the same regularity and efficiency as when he was living in his houses in Italy.⁹⁶ Letters took longer to reach him, and sometimes some of them arrived together, and not always in the correct chronological order. Therefore the news could be old and a little confusing when Cicero was able to read it, increasing his anxiety. In his first letter from Thessalonica of 29th May, Cicero showed his worry for his brother Quintus and for what might have happened in Rome by the time he came back from his province in Asia. By then, Cicero had already received two letters from Atticus that had taken around two weeks to arrive. In the letter dated 15th May, Atticus stated that Quintus was going to be prosecuted fiercely, but in the other he said that things were calming down. The problem was that this last letter was dated one day earlier, so that Cicero did not know what was really happening in Rome: should he be optimistic or pessimistic?

The time taken by couriers to deliver letters was variable.⁹⁷ On 17th June, Cicero wrote to Atticus that he knew through his letter everything that had

93 Cic. *Att.* 3.7.1.

94 Cic. *Att.* 3.7.3.

95 Cic. *Att.* 3.4.

96 At the beginning of August, Cicero still was thinking of going to Cyzicus in Asia, "where letters will reach me less frequently" (Cic. *Att.* 3.13.2: "... quo rarius ad me litterae perferentur..."). In a letter Cicero advised Caecina to stay in Sicily instead of going to Asia, because the proximity to Rome favoured the frequent exchange of letters and the celerity of couriers (Cic. *Fam.* 6.8.2: "propinquitatis locorum vel ad impetrandum adiuuabit crebris litteris et nuntiis vel ad reditus celeritatem re aut impetrata, quod spero, aut aliqua ratione confecta; quamobrem censeo magno opere commorandum").

97 See Sylvie Pittia, "Circulation maritime et transmission de l'information dans la correspondance de Cicéron", in *L'information et la mer dans le monde Antique*, eds. J. Andreau

happened in Rome until 25th May.⁹⁸ Since Cicero seems to have responded to his friend as soon as he received his correspondence, we can reasonably assume that Atticus' letter took around three weeks to reach Thessalonica. On 28th October, still in Thessalonica Cicero complained: "It is just thirty days, when I give (you) this letter, since I have had news from you".⁹⁹ However, on 26th November, when Cicero was already in Dyrrachium, he received three letters simultaneously, which had been written on 25th and 29th October, and 12th November. This means that the earliest of them took one month to arrive at Dyrrachium from Rome, and the second one a little less time, but the latest only took two weeks. This example is by no means exceptional, since on 13th August Cicero received in Thessalonica four letters from Atticus at the same time.¹⁰⁰ This irregularity in the post was no doubt related to different factors, such as the availability of ships to cross the Adriatic or the conditions of navigability, especially in the winter season.¹⁰¹

Atticus was not Cicero's only source of information,¹⁰² although he was certainly the most reliable, especially for political matters.¹⁰³ He was in regular contact with his wife Terentia and his brother Quintus,¹⁰⁴ but also with other public figures who are specifically mentioned in Cicero's correspondence:

and C. Virlouvet, (Rome: École Française de Rome 297, 2002) esp. 204–10 and 216–17: she emphasises the variability of the time spent by couriers to reach their destination. For instance, a letter from Rome to Dyrrachium needed one month in 58 but only ten days in 43; several letters from Rome to Thessalonica took one month, around three weeks or just two weeks (see Table on p. 216).

98 Cic. *Att.* 3.10.1.

99 Cic. *Att.* 3.21: "Triginta dies erant ipsi, cum has dabam litteras, per quos nullas a vobis acceperam."

100 Cic. *Att.* 3.15.1. Cf. *Att.* 3.14.2 (July): Cicero seems to suggest that news and letters arrived simultaneously or in a very short time implying that he did not need to be closer to Rome.

101 James Beresford, *The ancient sailing season* (Leiden – Boston: Brill, 2013).

102 Although not as frequently as at his *villae* in Italy, Cicero also was occasionally visited by people who brought news and rumours from Rome: Cic. *Att.* 3.13.1.

103 In June, Cicero told Atticus that he had received good news, but not from the best informants: "Me et tuae litterae et quidam boni nuntii, non optimis tamen auctoribus ... adhuc Thessalonicae tenebat" (Cic. *Att.* 3.11.1). The letter finished with the repeated exhortation: "I beg you to tell me all the true news" (*Ad me obsecro te ut omnia certa perscribas*, *Att.* 3.11.2). A similar expression in *Att.* 3.10.3. Cf. Citroni Marchetti, *Amicizia e potere*, 195–204.

104 During his exile we know of some letters from Cicero to Terentia (Cic. *Fam.* 14.1–4) and to his brother (*Q. fr.* 1.3–4). Cicero occasionally mentioned the regular connection with his brother: Cic. *Att.* 3.17.1: "All the news I have had about my brother Quintus from 2nd June to 29th August has been sad and without change" (*De Quinto fratre nuntii nobis tristes nec varii venerant ex ante diem III Non. Iun. usque ad prid. Kal. Sept.*; cf. 3.8.1; 3.26).

Axius,¹⁰⁵ Piso Frugi, the son-in-law of Cicero,¹⁰⁶ Lentulus Spinther, consul-designate,¹⁰⁷ Pompey,¹⁰⁸ and Metellus Nepos.¹⁰⁹ That he had drafts of the bills that Sestius and Fadius wanted to promote in his favour also seems to imply a regular correspondence.¹¹⁰ There were surely other correspondents too, of whom there is no evidence.¹¹¹ We can even speak of a network of friends who acted as couriers, bringing news and letters. On 29th August Livineius arrived at Thessalonica, bringing a letter from Quintus Cicero as well as news from Rome, according to which there had been no prosecution against Cicero's brother up to that point.¹¹² Lucius Livineius Trypho was a freedman of Lucius Regulus—a close friend of Cicero—who had sent him to meet Cicero in Macedonia.¹¹³ On the next day couriers sent by Publius Sestius arrived with a letter from Atticus that was not as optimistic as the conversation with Livineius had been. Sestius was then a tribune of the plebs designate and would be one of the supporters of Cicero in Rome the following year.

It is striking how regularly copies of bills and official documents circulated. As a matter of fact, Cicero remained well informed throughout his exile about the different projects of law that were promulgated, or that did not go beyond simple unsuccessful proposals.¹¹⁴ He always gave his opinion and tried to influence their contents, although the distance made it difficult. At the beginning of October 58 Cicero had received a draft of the bill that the tribune-designate Sestius was writing. The proposal aimed to abolish Clodius' law and propitiate the return of Cicero. However, Cicero considered it inadequate, because his name ought to have been mentioned specifically, and there ought to have been a clause about the devolution of his property. He asked Atticus to warn Sestius about it.¹¹⁵ In his letter of the last day of November, already in Dyrrachium,

105 Cic. *Att.* 3.15.3.

106 Cic. *Att.* 3.22.1.

107 Cic. *Att.* 3.22.2.

108 Cic. *Att.* 3.8.4; 3.9.4.

109 Cic. *Fam.* 5.4.

110 Cic. *Att.* 3.20.3; 3.23.4. See White, *Cicero in Letters*, 127.

111 John Nicholson, *Cicero's return from exile: The orations Post reditum* (New York: Lang Classical Studies, 1992), 47–88, lists about fifty people who were working on Cicero's behalf during his exile. No doubt most of them exchanged correspondence with him.

112 Cic. *Att.* 3.17.1.

113 Cf. Cic. *Fam.* 13.60, a letter of recommendation for Livineius, in which Cicero mentioned how this freedman had helped him during his banishment.

114 As we have seen, Cicero received a copy of the Clodian bill establishing the minimum number of miles for his banishment when he still was in the south of Italy: Cic. *Att.* 3.4.

115 Cic. *Att.* 3.20.3. The letter was sent from Thessalonica.

Cicero discussed in detail some articles of the bill promulgated on 29th October in his favour by eight of the tribunes of the year, whose contents he obviously knew perfectly.¹¹⁶ Actually he cited word by word some passages of the bill, with which he was not at all happy. Cicero was also aware of a speech delivered by Clodius before the people in which he criticised one article of the bill. The proposal was eventually unsuccessful and Cicero's remarks did not arrive in Rome in time. The letter from Atticus had taken almost one month to reach Cicero. Although he answered only a couple of days later, Cicero himself knew that his letter would be in Rome too late to have an influence, since the new tribunes of the plebs entered their office on 10th December. In the same letter, Cicero mentioned another bill, a copy of which he had also received. His cousin C. Visellius Varro had written the text for the tribune-designate Titus Fadius. Cicero stated without hesitation that he liked its contents as much as he disagreed with the bill of Sestius.¹¹⁷ Finally, a letter from Quintus came in January to Dyrrachium containing the senatorial decree passed on the first day of 57 recalling Cicero from exile. The new consul Lentulus had introduced the proposal with the acceptance of his colleague Metellus Nepos.¹¹⁸

The meaning of *acta* in some of Cicero's letters remains uncertain. On the last day of May, already in Thessalonica, he showed his agreement with Atticus' recommendation of not travelling further until he received the *acta* of the month.¹¹⁹ Later again, he was waiting in August for the *acta* of the Calends of that month in order to decide whether he would go to Epirus or to Cyzicus.¹²⁰ Both passages had usually been interpreted as referring to the *acta diurna* (or *commentarium/acta rerum urbanorum*),¹²¹ which according to Suetonius were instituted in 59 by Caesar,¹²² a sort of official gazette that included general information on public matters, discourses, etc.¹²³ If this explanation is correct,

¹¹⁶ Cic. *Att.* 3.23.2–4.

¹¹⁷ Cic. *Att.* 3.23.4.

¹¹⁸ Cic. *Att.* 3.26. Cicero expressed his gratitude to the consul Metellus Nepos in a letter sent from Dyrrachium in January 57 (Cic. *Fam.* 5.4).

¹¹⁹ Cic. *Att.* 3.8.3: "Quod suades, ne longius discedamus, dum acta mensis Maii ad nos perferantur, puto me ita esse facturum ..."

¹²⁰ Cic. *Att.* 3.15.6: "Itaque exspecto Thessalonicae acta Kal. Sext...." Cf. Barry Baldwin, "The *acta diurna*", *Chiron* 9 (1979): 192.

¹²¹ Cic. *Fam.* 8.11.4: "commentarium rerum urbanorum"; 12.23.2: "acta rerum urbanorum"; 12.28.3: "acta"; etc.

¹²² Suet. *Jul.* 20.1.

¹²³ This has been the usual interpretation. See for instance Achard, *La communication à Rome*, 189 (he defines them as "journaux"); Baldwin, "The *acta diurna*" (including the previous bibliography), 193: "The *acta*, then, contained serious news, reported in considerable

Cicero's references would already show, in 58, the regularity of its publication, its broad distribution, and consequently its significance as a source of information. However, the word *acta* could alternatively be a more general allusion to information and news coming from Rome rather than a gazette of the type that the *acta diurna* are usually understood to be.¹²⁴ In any case, it is certain that Cicero attached a remarkable importance to what he called *acta*.

Private documents also circulated among friends. Atticus acted as Cicero's eyes and ears in Rome; he was probably the only person in his absolute confidence. Understandably, Cicero needed to inform Atticus of his own movements. This explains that on 29th May he enclosed a copy of the letter that he had sent to Pompey, and that he did it again on 13th June with a second letter to the same addressee.¹²⁵ This actually suggests a regular communication with Pompey in addition.

As for the matters dealt with in this series of letters, there was obviously only one subject that interested Cicero during his exile: himself and his return to Rome. Reading the correspondence, it seems to be the only worry in the city, with nothing else of interest happening. Cicero's letters show above all his uncertainties and his hesitations, as well as the fluctuations of his spirit. Upon his arrival in Thessalonica, his feelings were those of scepticism and distrust. He did not share the hope of possible political change that Atticus had presumably transmitted after his conversation with Pompey.¹²⁶ He distrusted the rumours, although they brought good vibrations.¹²⁷

detail. And prominent Romans might well expect to find their names there, in favourable or unfavourable stories"; Maria Bats, "Les débuts de l'information politique officielle à Rome au premier siècle avant J.C.", in *La mémoire perdue. À la recherche des archives oubliées, publiques et privées, de la Rome Antique*, ed. S. Demougin (Paris: Publications de la Sorbonne, 1994) 19–43; the *acta* contained political information, such as new laws, senatorial sessions, popular assemblies, but also information related to the politicians and in general the public life of Rome (p. 40); Clifford Ando, *Imperial ideology and provincial loyalty in the Roman Empire* (Berkeley: University of California Press, 2000), 165–66: "Nevertheless, Cicero's frequent references to the *acta* confirm that Caesar's innovation became common practice, at least for a while". Cf. Cristina Rosillo-López, *Public Opinion and Politics in the late Roman Republic* (Cambridge: Cambridge University Press, 2017).

124 This is the viewpoint of Peter White, "Julius Caesar and the publication of *acta* in Late Republican Rome", *Chiron* 27 (1997): 73–84, who is against the idea of the *acta diurna* as a gazette of a great diffusion and only admits a restricted publication.

125 Cic. *Att.* 3.8.4; 3.9.4.

126 Cic. *Att.* 3.8.3. Cf. 3.9.2; 3.10.1.

127 Cic. *Att.* 3.11.1.

Atticus was apparently persuaded that something could change after the elections of July. However, Cicero wondered how he could possibly be hopeful, given that after the elections Clodius still would be a tribune in office, and his then enemy Metellus Nepos would probably be a consul-designate.¹²⁸ All in all, Cicero was anxious to know the results. In his letters of 21th July and 5th August, he was concerned because the elections should have been held, but Atticus had not given any information about the outcome.¹²⁹ The reason, he concluded, was that nothing relevant had changed. Ultimately, the new tribunes of the plebs were his last hope.¹³⁰

Another matter troubled Cicero. Atticus told him that his speech *In Clodium et Curionem* of 61 had been published.¹³¹ As Cicero himself admitted, he had written this *oratio* when he was very angry with the elder Curio, in the context of the trial against Clodius for the scandal of the *Bona Dea*. But now he needed him as an ally, so he saw its publication as a disaster. He had tried to make it disappear, and he could not understand what had happened for a written version to appear. "Heal the wound if possible", Cicero asked Atticus. Not only that, he wanted Atticus to spread the rumour that this speech was not his but a forgery.

During the last months of 58, an important element of the letters revolved around juridical matters. In August, Cicero mentioned a conversation between Atticus and Q. Terentius Culleo, who thought that the abrogation of the Clodian law against Cicero could be argued for, because it was directed against an individual in particular, which was expressly forbidden by the Law of the Twelve Tables.¹³² Cicero regarded this argumentation with a certain hope, but at the same time he expressed his doubts about the procedure that would follow,¹³³ whether in the senate or by means of the people, as well as about

128 Cic. *Att.* 3.12.1.

129 Cic. *Att.* 3.14.1: according to Atticus, Pompey had decided to take care of Cicero after the elections. This had created great expectations on the part of Cicero. In September, he was excited once more, because Varro had assured Atticus that Pompey was taking care of Cicero immediately (Cic. *Att.* 3.18.1).

130 Cic. *Att.* 3.13.1. Cf. *Q. fr.* 1.4.3.

131 Cic. *Att.* 3.12.2. Cf. 3.15.3. On the speech see Jane W. Crawford, *M. Tullius Cicero: the lost and unpublished orations* (Göttingen: Vandenhoeck and Ruprecht, 1984), 9–10; 107–108. On the relationship between Cicero and Curio, William C. McDermott, "Curio Pater and Cicero", *AJPh* 93 (1972): 381–411.

132 Cic. *Att.* 3.15.5.

133 Clodius had included a clause (*sanctio*) forbidding the proposal of its abrogation and prescribing a penalty. Cf. Lintott, *Cicero as evidence*, 180.

the restitution of his property and in particular his house.¹³⁴ This attempt was followed by the aforementioned bills proposed or planned by eight of the tribunes of the plebs, and by the tribunes designate Sestius and Fadius. Finally, the senatorial decree of 1st January 57 was passed. None of these projects materialized. As a consequence, Cicero's anxiety and pessimism inevitably grew; he stayed in exile and saw no solution. In his last preserved letter in exile, probably sent from Dyrrachium at the beginning of February 57, Cicero expressed his weariness eloquently: "I see that I am totally finished".¹³⁵ We know nothing else about Cicero's feelings, since his correspondence with Atticus was interrupted at this point. Cicero wrote his next letter to Atticus in Rome, in September. By then, everything had changed once again. Cicero had returned to the city in triumph and was ready to fight for his dignity and for his assets.

4.4 Keep Me Posted, My Friend

In conclusion, the unofficial Roman postal system seems to have worked quite well, and had reached a certain level of sophistication in the late Republic. According to our sources—especially following the information contained in the Ciceronian correspondence—, one has the impression that news circulated unceasingly across Italy and the whole Empire, and that virtually every day dozens or even hundreds of couriers hurried to deliver the letters with which they had been entrusted. Wherever he was, Cicero never alluded to the cost of this frequent correspondence. It seems legitimate to conclude, therefore, that expenses were not an impediment.¹³⁶

While living outside Rome, to be able to receive regular correspondence was in practice almost the only way to keep updated about what was happening in the city. For this purpose it was necessary to have loyal and well-informed contacts in Rome willing to keep in touch.¹³⁷ During his stay in his houses at Antium and Formiae in the spring of 59 Cicero was very well

¹³⁴ Cic. *Att.* 3.15.6.

¹³⁵ Cic. *Att.* 3.27: ... *nos funditus perisse video*.

¹³⁶ Nicholson, "The delivery and confidentiality of Cicero's letters", 37–38: the *tabellarii*, although they were slaves or freedmen of the household, had to be fed and clothed, provided with a horse, overnight lodging, and passage on board ship if necessary. In any case, a courier did not necessarily cover the entire distance, especially where long distances were concerned.

¹³⁷ When Cicero left for Cilicia, he asked Caelius Rufus to inform him of everything that happened in Rome in his absence, including rumours and gossip: Cic. *Fam.* 8.1.

informed about the political circumstances in Rome. Letters that he received virtually every day, along with occasional visits, were his sources of information. Likewise, Cicero managed to keep updated throughout his banishment despite the distance and the unpredictable post delivery. Although certainly with an inevitable delay, he was always aware of the movements of his political enemies and allies, he knew accurate details of the legal attempts to make him return to Rome, and he even tried to influence them. This was feasible thanks to a large network of friends, relatives and acquaintances that passed on by means of their correspondence news and rumours, as well as private and official documents (texts of bills, senatorial decrees, edicts, speeches, copies of letters, etc.).

Atticus was Cicero's main and most reliable informant, but Cicero also exchanged letters with other people regularly. In any case, it is striking how well connected Atticus was in Rome, particularly if we take into account that he was not a senator and was not actively engaged in politics.¹³⁸ Nevertheless, as Cicero's letters show, Atticus had good relationships with many people, among them Clodius himself, his sister Clodia, Theophanes, Pompey, Bibulus, Varro, and so forth, people with whom he apparently met very frequently. As a result, he was able to give Cicero not only information that was open to the general public (for instance the adoption of new laws, or the postponement of the elections in 59) but especially rumours within the elite that could be of interest for Cicero for shaping his future behaviour. Even when Cicero was living in Rome in 59, he demanded that Atticus come back soon, not only because he needed his advice, as always, but also because only Atticus would be able to get certain information: "Come flying ... A lot of information can be obtained from Publius (*Clodius) himself, many other things could be found out that could not remain hidden from you".¹³⁹ Cicero enjoyed privileged information because of Atticus, even when he himself was absent from Rome, but he was surely not an exception. Other politicians, and members of the elite in general, would have had their own networks of informants to circulate information. After all, then as now, information was power.

138 See Olaf Perlwitz, *Titus Pomponius Atticus. Untersuchungen zur Person eines einflussreichen Ritters in der ausgehenden römischen Republik* (Stuttgart: Franz Steiner Verlag, 1992), esp. 97–124.

139 Cic. *Att.* 2.22.4: "Quare advola ... Multa ab ipso Publio elici, multa cognosci, quae tibi occulta esse non poterunt ..."

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Governing by Dispatching Letters: The Hadrianic Chancellery

Juan Manuel Cortés-Copete

In the year 142 AD, Aelius Aristides was a young sophist fulfilling his dream of making an appearance in Rome to declaim before senators and, even, the emperor himself. He wished this trip would be the start of a triumphal political activity under the auspices of one of his teachers, Herodes Atticus, friend of emperors and appointed consul at Rome within that year. Illness and mysticism thwarted his political vocation, but never hindering the opportunity to present in public his speech *Regarding Rome*.¹ The encomium to the city that dominated the world was composed of two series of comparisons: the superiority of Roman domination against Greek hegemonies, brief in time and space; and the kindness of the Empire in contrast with the kingdoms that had previously tried to subdue the world.² After indicating the flaws of the Persian Empire, the limitations of the reign of Alexander, and the failures of Hellenistic kingdoms, the sophist praised the Roman Empire. The authentic control over the ecumene by Rome and the perfection of its political structure were its arguments. This section concluded as follows (26.33):

Therefore there is no need for him [the Emperor] to wear himself out by journeying over the whole empire, nor by visiting different people at different times to confirm individual matters, whenever he enters their land. But it is very easy for him to govern the whole inhabited world by dispatching letters without moving from the spot. And the letters

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- 1 Juan Manuel Cortés-Copete, “A Roma de Elio Aristides, una historia griega para el Imperio”, in *Costruzione e uso del passato storico nella cultura antica*, ed. by Paolo. Desideri, Sergio Roda, Anna Maria Biraschi (Alessandria: Edizioni dell’Orso, 2007), 411–33. Francesca Fontanella, *Elio Aristide, A Roma (a cura di)* (Pisa: Edizioni della Normale, 2007).
- 2 Aristid., 26.40–57, comparison with Greek hegemonies; 26.15–39, comparison with previous empires. Charles A. Behr, *P. Aelius Aristides, The Complete Works*, II (Leiden: E. J. Brill 1981), whose translations I used in the text.

are almost no sooner written than they arrive, as if borne by winged messengers.

The passage has traditionally been understood as a commendation of the government of Antoninus Pius and as a censure, veiled yet direct, of his predecessor, Hadrian, the traveller. With this interpretation of the text, as seen in B. Keil's edition,³ Hadrian would be portrayed as a new Persian king, forced to travel and bringer of ruin to those territories over which the curse of his presence fell. Thus, this is what the sophist had stated in reference to Cyrus some pages above (26.18):⁴

Oebaras, who is first said to have told Cyrus angry because of his extensive traveling that it was required and necessary for him to journey everywhere in his empire whether he wanted to or not, if he were going to be king, and that he should consider the hide, how on whatever part he stepped, this flattened out and touched the ground, and when he left it, again it rose up, and one more flattened out when he walked upon it.

The imperial court, the Praetorian Guard, and the provincials arriving at the place of residence of the emperor would have threatened to exhaust the region's resources, to be consumed in a devouring royal feast. To my understanding, the interpretation of this passage would be as erroneous as sad would be this characterization of Emperor Hadrian.⁵

When Aristides arrived in Rome, it had only been four years since Hadrian's demise, leaving Antoninus in the throne. If one discards the notion of the new emperor having put forth a programmatic declaration announcing his will not to travel the empire, thus breaking the habits of his predecessor, his exiguous years in government should be considered insufficient to extol Antoninus's scant fondness for traveling. No one could guarantee neither that the new emperor lacked the desire to visit the provinces, in the ways of Hadrian, nor that he would not be forced to leave Rome to live, and even die, far from the capital in the frontier encampments, as would later happen to Marcus Aurelius and

3 Bruno Keil, *Aelii Aristides Smyrnaei quae supersunt omnia, vol. II* (Berolini: Weidmann, 1898), 101: *fort. Hadriani imperium pervagantis memoriam cavillatur*.

4 Pierre Briant, "Le nomadisme du Grand Roi", *Iranica Antiqua* 23 (1988): 253–73.

5 Hadrian was elevated in the literature as an ideal judge and emperor whose enlightened rulings brought justice to the Empire. Aelius Aristides was crucial in the generation of this portrait: Kaius Tuori, *The Emperor of Law. The Emergence of Roman Imperial Adjudication* (Oxford: Oxford University Press, 2016), 196–240.

Lucius Verus. Therefore, instead of censure of imperial wayfaring, this excerpt from Aristides should be considered as approbation of its “non-mandatory” condition. If the Persian king “had to”, δεῖν, and “it was necessary for him to journey everywhere in his empire whether he wanted to or not” καὶ ἀνάγκην εἶναι πανταχοῖ περιφοιτᾶν τῆς ἀρχῆς ἔκοντα τε καὶ ἄκοντα, εἰ μέλλοι βασιλεύειν, now, under Roman aegis, “there is no need for him [the Emperor] to wear himself out by journeying over the whole Empire, ὥστε οὐδὲν δεῖ φθεῖρεσθαι περιιόντα τὴν ἀρχὴν ἄπασαν”.⁶ The reasoning behind this superiority of the Roman government was nothing other than the possibility of “governing the whole inhabited world by dispatching letters”, πᾶσαν ἄγειν τὴν οἰκουμένην δι’ ἐπιστολῶν.

The main hypothesis of this article is that emperor Hadrian was the founder of this new form of government over the Empire, “government by letters.” The formation of a proto-bureaucratic government structure might seem in contradiction with his tireless traveling activity but, as I will try to prove, the presence of the emperor in provincial territories became the first and major stimulus for the establishment of a more intense relationship, which led to a constant epistolary exchange, between the subjects and the emperor.

Ancient sources are unanimous in attributing to Hadrian the creation of a government of bureaucratic character, with preponderance of written communication between those in command and those under it. Unfortunately, the two most evident testimonies of this date from a later stage. This circumstance should make us aware of a reinterpretation of the work of the emperor in the light of the reality of the Late Empire. However, this should not cancel its value as historical evidence. For the author of the *Epitome de Caesaribus*, Hadrian “truly established not only the public and palatial offices, but also those of the army in such a way that, with the exception of the few changes introduced by Constantine, they remain to this day”.⁷ According to the *Epitome*, the bureaucratic ruling of the Empire in the 4th and 5th centuries would have been the result, in its initial design, of Hadrian’s work. This affirmation has been cautiously received by all historians dedicated to this matter.⁸ It is

6 James Henry Oliver, *The Ruling Power* (Philadelphia: American Philosophical Society, 1953), 919, protests against Keil’s interpretation; he maintains that the comparison was established with the Persian kings and, therefore, does not correspond to a criticism towards Hadrian. Similarly, Fontanella, *Elio Aristide*, 104.

7 *Epit. de Caesaribus* 14.11: “Officia sane publica et Palatina nec non militiae in eam formam statuit quae paucis per Constantinum immutatis hodie persequeratur.”

8 John A. Crook, *Consilium principis* (Cambridge: Cambridge University Press, 1995), 61. Álvaro d’Ors, “La signification de l’oeuvre d’Hadrien dans l’Histoire du Droit romain”, in *Les empereurs romains d’Espagne*, ed. by André Piganiol, Henri Terrasse (Paris: Éditions du Centre national de la recherche scientifique, 1965), 149.

difficult to admit the literal value of this testimony, especially when the author has suppressed any reference to the administrative reforms of Diocletian, essential in the development of the administration. Yet, even if we cannot state that Hadrian founded the complex bureaucratic system of the 4th century as it was, we could accept the idea that they believed that the system had been initiated in the times of the philhellenic emperor: he would have introduced a new line in governmental evolution that would lead in the Late Empire to bureaucratic perfection. Partial confirmation of this can be found in an author situated between Hadrian and the *Epitome*, Cassius Dio, a bridge between the two. For the Greek senator from the early 3rd century, Hadrian's military reorganization was still in force during the Severan dynasty, almost a century after its establishment.⁹

The *Historia Augusta*, the second testimony from the late Roman period, is more restrained though less significant. Provided with better sources, it outlines some of the innovations introduced in imperial administration by Hadrian, although without going into details or its consequences. The reason behind the almost telegraphic tone of this information may be that its effects were well known to the contemporaries of the historic compilation. There are three noteworthy novelties: the use of the *frumentarii* as informers to the Emperor, the creation of the *advocati fisci* and, finally, the appointment of men of the equestrian order to the secretary offices *ab epistulis* and *a libellis*.¹⁰

Modern investigation has endeavoured to prove the relative inaccuracy of this last statement, searching for *equites* in these posts prior to Hadrian's rule: and, even if during the civil war of 69 and, later, during the reign of Domitian there are occasional appearances of *equites* assuming tasks related to imperial correspondence, these precedents were determined by the special historical circumstances surrounding them.¹¹ The need to create an alternative chancellery during the Civil War or in the midst of Domitian's difficulties in his relationship with the Senate are sufficient factors to explain the presence of these *equites* instead of the *liberti*, who, since Augustus, had been taking care of the imperial correspondence.¹² In contrast, the situation in Hadrian's time seems

9 D.C. 69.9.4. Guido Migliorati, *Cassio Dione e l'impero romano da Nerva ad Antonino Pio, alla luce dei nuovi documenti* (Milano: Vita e pensiero strumenti, 2003), 277–8.

10 HA, *Hadr.* 11.4–7; 20.6; 22.8.

11 Hans-Georg Pflaum, *Les procureurs équestres sous le Haut-Empire romain* (Paris: A. Maisonneuve, 1950), 58–67.

12 Vitellius: *CIL* XI 5028. Domitian: *CIL* VI 798. For Brian W. Jones, *The Emperor Domitian* (London: Routledge, 1993), 64 these appointments, though pointing towards the transformation, did not imply the creation of an administrative structure at the equestrian rank.

to be substantially different, as the institutionalization of these two equestrian secretariats is parallel to the exponential increase of letter testimonies and imperial rescripts.

5.1 *Rescripta*: A New Channel of Communication

In order to argue about the transformation that took place during the reign of Hadrian, it is worth resorting to the evidence originating from sources independent from historiographic traditions. The first rescripts with petitions of a private nature, *libelli*, belong to Hadrian and were incorporated to legal tradition as sources of law.¹³ And, even if in legal *corpora* some documents from previous emperors appear mentioned, the scrutiny of these imperial decisions that were incorporated to legal tradition serves to show that this is not only a quantitative change, *i.e.*, from one emperor that replies to more private requests, but also a qualitative transformation. Only one mention for each of Tiberius, Claudius, Vespasian, and Domitian remains, whereas twenty *rescripta* cited in the *corpora* refer to Trajan. In contrast, one hundred and twenty six *rescripta* of Hadrian are cited, five times as many as all his predecessors put together.¹⁴ Moreover, even if one could glimpse a certain evolutive continuity between Trajan and Hadrian, a piece of news in the *Historia Augusta* clarifies the different ruling value given respectively by the two emperors to the *rescripta*. Of Trajan it is said that he never replied to the private petitions to avoid providing them of universal legal value;¹⁵ Hadrian, contrariwise, articulated the process of reception, reply and, especially, publication of the responses to these private *libelli*, imbuing them of said universal legal value.

The conjunction of the literary news on the *procurator a libellis*, the legal evidence and its recount, together with the now available epigraphic testimonies,¹⁶ proves that the implementation of an efficient and bureaucratized mechanism of reception, deliberation, decision, and reply to the petitions received, as well as of its publication of the replies granted with legal value, must be

13 Gaius *Inst* 1.94. Tony Honoré, *Emperors and Lawyers* (Oxford: Oxford Clarendon Press, 1994), 12–16. Tor Hauken, *Petition and Response. An Epigraphic Study of Petitions to Roman Emperors, 181–249* (Bergen: Norwegian Institute at Athens, 1998), 303–13.

14 Honoré, *Emperors and Lawyers*, 14, n. 80. The documents were compiled in Giovanni Gualandi, *Legislazione imperiale e giurisprudenza* (Milano: Giuffrè, 1963), 1–57.

15 HA, *Macr.* 13.1: *cum Traianus numquam libellis responderit*. Detlef Liebs, “Juristen als Sekretäre des römischen Kaisers”. *ZRG* 100 (1983): 491–2.

16 Christopher P. Jones, “A petition to Hadrian of 129 CE”, *Chiron* 39 (2009): 445–61.

undoubtedly attributed to Emperor Hadrian.¹⁷ Of course, this creation was not generated *ex nihilo*, as some pre-existing practices and mechanisms were used. The system installed by Hadrian amplified and perfected itself over the following emperors, especially under the Severan dynasty. The virtues of the mechanism allowed, until the kingdom of Diocletian, open communication between the emperor and its subjects, regardless of where they lived or of their social status.¹⁸

According to Fergus Millar, the *rescripta* could be considered a notable example of the model of relationship that he defined as “petition-and-response”: an emperor lacking in initiative waiting for the petitions of his subjects, exerting himself to respond to them.¹⁹ To respond to the increase of the *libelli*, the emperor would have had to articulate new administrative mechanisms: an equestrian procurator *a libelli*, the aid of *freedmen* and slaves to manage the documentation, the archive and publication procedure or *prepositio*, etc. If we were to continue following Millar’s logic, it would be necessary to admit that something must have had certainly changed in the life of the Empire for the number of *rescripta* to increase fivefold. Considering the hypothesis of a passive emperor, waiting for the petitions of its subjects,²⁰ the expected consequence would have been the objective deterioration of their life conditions, resulting in additional petitions to the emperor. This explanation is untenable, and inefficient, in explaining said increase in the number of *rescripta* and its new legal validity.

Real life conditions during the mid-2nd century AD had considerably improved and do not lead us to hint at a crisis that might have had originated in a growing number of appeals to the emperor. Therefore, my proposal is substantially different: it would have been the creation of the channel of communication by the emperor, together with the fact that responses were granted

17 Honoré, *Emperors and Lawyers*, 43–48.

18 Honoré, *Emperors and Lawyers*, 33–42.

19 Fergus Millar, *The Emperor in the Roman World* (London: Duckworth, 1992), 537–549. In chapter v, pp. 203–72, he collects and develops the conclusions made in his first article “Emperors at Work”. *JRS* 57 (1967): 9–19, where the essential lines that define the “petition-and-response” model are presented.

20 Millar’s proposal has received criticism from different angles: Jochen Bleicken, *Zum Regierungsstil des römischen Kaisers: Eine Antwort auf F. Millar* (Wiesbaden: Steiner, 1982); Keith Hopkins, “Rules of Evidence”. *JRS* 69 (1979): 178–86, and Honoré, *Emperors and Lawyers*. Recently, Clifford Ando (“Petition and response, order and obey: contemporary models of Roman Government”, in Michael Jursa and Stephan Prochazka, eds., *Governing Ancient Empires*, forthcoming) has considered the Petition-and-response model an error in interpretation which should be substituted for new relation patterns.

total legal validity, what favoured new petitions. Hence, the emperor should not be seen as a passive entity but as the conscious founder of a communicative mechanism, the offspring of his desire to take interest in the inhabitants of the Empire.²¹

Under this light, a Cassius Dio's famous anecdote may also be interpreted (69.6.3): "Once, when a woman made a request of him as he passed by on a journey, he at first said to her, 'I haven't got time', but afterwards, when she cried out, 'Cease, then, being emperor', he turned about and granted her a hearing". One must recall that the main factor that allowed for such contact from this woman, making possible her petition, was the emperor's presence on the streets. Hadrian, as emperor, made a constant effort to be present in the provinces, regions and cities of the Empire. The creation of the administrative mechanism that allowed him to respond to that woman and all other subjects would have therefore resulted as the consequence of his physical approximation to the provinces: for Hadrian, traveling was a form of government.²² This can be easily verified in an analysis of his letters.

5.2 *Epistulae*: Communication with Cities

As stated above, the *Historia Augusta* also attributes to Hadrian the creation of one or several equestrian secretary offices for the administration of imperial correspondence (*ab epistulis*). This information agrees with other references, literary and epigraphic, that enable the identification of *equites* performing such tasks, as either *ab epistulis Latinis* or *ab epistulis Graecis*. Suetonius, in charge of Latin correspondence, followed by Julius Vestinus; and Eudemon and Heliodorus,²³ as counterparts for Greece, are well-known figures that also stand out for their intellectual, literary, rhetorical or, simply, for their sophistic activity. And even if the historical value of these appointments can still

21 This hypothesis directly emerges from the approach made by Honoré, *Emperors and Lawyers*, 12–16, 33–35.

22 Jean-Pierre Coriat, *Le prince législateur* (Rome: École Française de Rome, 1997), 178–84. Hadrian's travels: Anthony R. Birley, "Los viajes de Adriano", in *Adriano Augusto*, ed. by Juan Manuel Cortés-Copete and Elena Muñiz (Sevilla: Fundación José Manuel Lara, 2004), 57–69.

23 HA, *Hadr.* 11, 3. IG XIV 1085. CIL III 431. D.C. 69.3.5. Pflaum, *Les procurateurs équestres*, 60–1. G.B. Townend, "The post of ab epistulis in the second century". *Historia* 10 (1961): 375–81, with doubts on the reorganization by Hadrian. Hugh Lindsay, "Suetonius as ab epistulis to Hadrian and the Early History of the Imperial Correspondence". *Historia* 43 (1994): 454–68.

be challenged (if the existence of a Greek chancellery is the product of the Eastern travels of the emperor and not the result of a reformation of the structure of the offices), there is indication of the importance granted by Hadrian to these offices during his reign. The designation of a successor, with the title of Caesar, was accompanied by the establishment of a chancellery for the heir himself. The epigraphic testimony testifies to this in the case of Aelius Verus. For Antoninus, the evidence refers to the procurator *a libellis*²⁴ but, given that his position as heir only lasted but a few months, it is reasonable to believe in the existence of an *ab epistulis*, though record of it is still to be evidenced.

In the same way as the existence of the equestrian *procurator a libellis* caused the exponential increase of petitions to the emperor and his subsequent responses, the reform and amplification of the chancellery would have originated unparalleled growth in the number of recorded imperial letters. In this way, Hadrian would seem to be the promoter, the driving force of the new and intense dialogue between the Empire and its head of government.

Any statistical approximation to Antiquity is extremely complex due to the fact that, in addition to factors derived from sheer luck (preservation and finding of the document), one must necessarily add transformations in social and political practices that could not only be behind the creation of a document surviving until our days, but of the very existence of the document itself. For this reason we will now try to make an approach to the epigraphic evidence as collected in J.H. Oliver's posthumous work. We will proceed so because, in his selection of documents, random, aleatory conservation factors lose interpretative value, as they remain stable throughout the selected period.

In Oliver's work, there are twelve constitutions promulgated by Augustus, for only three by Tiberius and one by Caius. The number rises to seventeen with the arrival of Gaius, and wanes to four under Nero. The number of documents remains relatively low under the Flavian emperors, with two for Vespasian and four for Domitian, reaching a total of eight registered documents by Trajan. All of these emperors contribute with fifty-one documents, a number inferior to the amount of constitutions in papyrus and inscriptions that Oliver attributed to Hadrian.²⁵ The number of documents that must be assigned to Antoninus

24 ILS 1450. CIL XIV 5347. Pflaum, *Les procureurs équestres*, 61. Townend, "The post of ab epistulis", 377.

25 James Henry Oliver, *Greek Constitutions of Early Roman Emperors from Inscriptions and Papyri* (Philadelphia: American Philosophical Society, 1989), whose translations, if possible, are used here. With different criteria for document selection and some years before, Fernando Martín, *La documentación griega de la cancellería del Emperador Adriano* (Pamplona: Universidad de Navarra, 1982) counted 57 documents.

Pius is set in the vicinity of fifty, still considerably high and at a similar level again with Marcus Aurelius. Through undergoing work on an annotated edition of these documents from Hadrian's chancellery, I can advance that thanks to the new significant and numerous epigraphic discoveries and to novel selection criteria of the documents, the total amount would nowadays be established at about eighty-five testimonies.²⁶ This renders a dossier of unequalled value for the analysis of the government of the emperor.

The spectacular growth of the documents during Hadrian, and the maintenance of similar levels during the subsequent reigns, corroborates the notion that a change had taken place in the way the Empire functioned, this being a consequence, I claim, of an evident imperial desire to communicate with its subjects. In the same way as with the rescripts, this increase in letters, and other imperial constitutions, cannot be explained as a consequence of a new and unheard of desire or necessity of the subjects to request more from the emperor, as Millar's "petition-and-response" model would lead to believe. Once again, the reasons for this increment spring forth from imperial will, resulting in political and administrative tools, to maintain a more direct and close contact with its subject, now organized in legally recognized communities, *poleis* and other Roman or peregrine cities. Aelius Aristides referred to this new situation as "governing the land by letters", ἄγειν τὴν οἰκουμένην δι' ἐπιστολῶν.

5.3 The Analysis of the Writings

The challenge against the "petition-and-response" mechanism as model of relationship between Roman princes and its subjects, however and at least in the case of Hadrian, cannot be only made based on ancient literary testimonies or in the statistical variation over the number of documents. This is so because, on the one hand, ancient historians already reinterpreted, with tints of bias, the events they narrated; on the other hand, the numerical re-counting, though indicative in itself, is unable to describe the qualities of the changes that took place during Hadrian's rule. For this reason, to these two preliminary approaches one must necessarily add the study of the contents of writings, papyri and epigraphs, seen as a whole and not as isolated acts of communication and relations.

Even if we were led to believe that the circumstances of each of the provincials, as one of the undeniable sides of this dialogue of power, were particular and demanded individual study, the communicative process was homogenous

26 Some of those new texts are used as example in the present study.

on the open channels from the centre as well as by the figure of the emperor himself, situated at the other end of the communicative process. For this reason and in order to maintain some degree of interpretative coherence, the main relations between the documents will be analysed in this study exclusively within the Hadrianic corpus, in opposition to how Millar proceeded, with apparently equivalent testimonies but that extend over a period of time of five hundred years. It is this set of writings which should contain the forms of relation between the emperor and its subjects, this being an important part of our hypothesis. Under the concept of “forms of relation”, not only should we understand the mechanisms of said relation, such as the sending of delegates, letters and the like, but also the expectations that both sides had on the communication and on the elements that triggered the missive exchange.

5.3.1 *Petition-and-Response*

The first conclusion that may be drawn from the analysis of the epistolary corpus is the effective existence of a form of relation defined by the petition of the city and the imperial response, its mechanisms seeming well defined since republican times. The city approves a decree (*psephisma*) which contains, in addition to the exchange of courtesies, the petition to the emperor. Subsequently, a delegation is sent with the task of delivering said petition to the emperor, together with an introductory address.²⁷

Following this procedure, Delphi, upon Hadrian's ascension to the throne, sent an ambassador and a letter that presented the privileges of the city; the response by the emperor confirmed these. In a similar manner proceeded the city of Astypalaea, the city of Hierapolis, and the Neoi of Pergamum.²⁸ A notable example of this form of relation is the letter addressed to the Macedonian city of Beroea, two copies of which remain, though in a considerable state of deterioration.²⁹ Nonetheless, the text can be reconstructed with a certain

27 It is a typical procedure of the relation between Greek cities and Hellenistic kings. C. Bradford Welles, *Royal Correspondence in the Hellenistic Period* (New Haven: Yale University Press, 1934) inherited by the Roman Republic: Robert K. Sherck, *Roman Documents from the Greek East* (Baltimore: The John Hopkins Press, 1969). The embassy as means of communication with the emperor: Millar, *The Emperor*, 375–85; W. Williams, “Antoninus Pius and the Control of Provincial Embassies”. *Historia* 16 (1967): 470–83.

28 Oliver, *Greek Constitutions*, No. 62, 64, 58. Martín, *La documentación griega*, No. 1–3. T. Ritti, “Documenti adrianei da Hierapolis di Frigia: le epistole di Adriano alla città”, in *L'Hellénisme d'époque romaine: nouveaux documents, nouvelles approches* (Ier s. a. C.–IIIe s. p. C.) (Paris: De Boccard, 2004), 297–340.

29 Oliver, *Greek Constitutions*, No. 89. Martín, *La documentación griega*, No. 9.

degree of certainty in what refers to the procedure, although it is impossible to discern the matter of the petition and the concession:

[οἱ ἐλθόντες σὺν τῷ ὑμετέρῳ ψηφίσ]ματι ἔτυχον προσόδου οἱ πρέσβεις
[καὶ ἀνήνεγκον τὰ περὶ ὑμῶν ὅσα ἐ]δεήθητέ μου συνεχώρησα, δίκαι[ά]
[τε ὄντα - - -

The ambassadors who came with your decree obtained an audience and reported the information concerning you. All that you asked of me I granted, knowing that it was right ...

5.3.2 *Petition and Negative Response*

Cassius Dio had the chance of recalling how the emperor rejected several petitions that the people made to him during the celebration of some games.³⁰ The Hadrianic writings offer, additionally, two more instances of petitions that were turned down by the emperor, two rare inscriptions. Due to the logical inclination of city authorities and oligarchies against the publication of a negative response to their aspirations, testimonies of these adverse replies are scarce. However, some of these negative responses have been preserved in the rival cities that benefitted in their disputes from such imperial decisions.³¹ Regardless of this, in the case of testimonies from Hadrian, both were published in the cities that were directly involved.

From the first rejection two copies are preserved, in Athens and Olympia, and were addressed to the Achaean League.³² As they had previously done with Caligula, the Achaeans offered honours to the emperor which he deemed excessive.³³ Hence, and as his predecessor, he chose to accept only some and rejected the rest, limiting not only expenses but also flattery:

30 D.C. 69.6.1; 69.16.3.

31 The best-known negative response is the denial of freedom to the city of Samos by Augustus. Joyce Reynolds, *Aphrodisias and Rome* (London: Society for the Promotion of Roman Studies, 1982), No. 13.

32 Oliver, *Greek Constitutions*, No. 78. Martín, *La documentación griega*, No. 21. IG 11² 1094; I. Olympia 57.

33 IG VII 2711, ll. 21–41. I have studied this document in Juan Manuel Cortés-Copete, "Hellas, Roman Province", in *Ruling the Greek World*, ed. by Juan Manuel Cortés-Copete, Fernando Lozano and Elena Muñiz (Stuttgart: Steiner, 2015), 43–65.

καὶ ἔλαβον αὐτοὶ δι' ἧς ὁ μέγιστος καὶ θεϊ|ότατος Αὐτοκράτω]ρ τινὰς μὲν
προσήκατο τῶν τιμῶν τι[νὰς δὲ ὡς ἐπιφθόνους οὐσας παρητήσατο τὴν τοῖς Ἀχαιοῖς
ὑπὸ| τοῦ θειοτάτου αὐτ]οκράτορος ἀντ[ιγραφεί]σαν ἐπιστολ[ήν -----]

They received the letter dispatched to the Achaeans by the most divine Emperor, by which the greatest and the most divine Emperor accepted some of the honors voted by them, while he rejected the others ones as odious.

This obstinacy on the part of the Achaeans may seem surprising, even more if no one in his right mind would pretend to have any other emperor surpass Caligula as object of adulation. Nonetheless, this reiterative conduct may be subject to a rhetorical interpretation that would grant it with historical meaning: despite the partial rejection of the emperor, something that could have been given for granted, the exaggeration in the honours that were being offered could be seen as a sample of the grandeur in the intent of the members of the League. The same reason may be adduced in the case of the Pergamene letter, our second example.³⁴

The city of Pergamum, possibly during the last year of life of Hadrian, sent a delegation to Rome composed of, at least, three distinguished leaders from the city: Claudius Menogenes, Claudius Pardalas and Ulpius Asclepiades. They came to ask permission from the emperor to erect a new temple dedicated to him. The temple should be accompanied by games consecrated to his person and the concession of a period of fiscal immunity, to be applied on the days of its celebration.³⁵ The emperor kindly started by praising the *prothymía* and the good will of the Pergamenes, to continue by rejecting those honours for being excessive for a city that was twice already Neokoros. With the intention of not completely disappointing the city's expectations and not spurning its offer, the emperor provided an alternative, with more assumable costs: the erection of a statue to the current emperor, next to that of Trajan, in the temple dedicated to the former emperor, "his father".

34 The fragments of the inscriptions were already known (*I. Perg.* 276–277; *IGR* IV 358–359; Oliver, *Greek Constitutions*, No. 127), but have only been identified as part of one same document by Harald Müller, "Hadrian an die Pergamener. Eine Fallstudie. Mit einem Anhang: Pergamon, Trajan und die Traianeia Deiphileia", in *Selbstdarstellung und Kommunikation*, ed. Rudolf Haensch, (München: Beck, 2009), 367–406.

35 Barbara Burrell, *Neokoroi. Greek Cities and Roman Emperors* (Leiden: Brill, 2004), 27–28.

ἀλλὰ

[ὦ]ς πάντως ὠρμήκατε ἰδρ[ύσα]ί με ποι,
 ἔστιν ὑμῖν ἐν τῷ τοῦ πατ[ρός ἐμοῦ]
 νεῷ παρ' αὐτὸν ἐκείνον κ[αθιδρῦσ]αι
 κάμῃ, εὖ εἰδόσιν ὅτι ἐγὼ τ[οῖς ἐκεί]νου
 ναοῖς πολὺ πλέον ἢ τοῖς [ἐμοῖς ἤδ]ομαι.

But, as you are eager for erecting a statue of me, you have permission to set one image of me in the temple of my father, beside his own image. But you have to be conscious that I am more delighted at the temples of him than at my own ones.³⁶

In this way, there was a compensation of the rejection of the petition of authorization for the new temple with the alternative of a statue in the temple of Zeus Philios and Trajan, which would then become a dynastic sanctuary.

The most significant contribution to the matter at hand might be that these two singular examples of negative responses reveal the existence of a more complex process than the mere petition and its response. The two alternatives offered by the emperor, especially the reply given to Pergamum, should not be understood as replies dictated from a despotic attitude, but as solutions reached after a dialogue between the sides. This dialogue presupposes the prior, well-informed knowledge by the emperor of both the precedent established by Caligula and of the Pergamene reality. Undoubtedly, his visit to the city in the year 124 allowed him to personally be familiar with the temple dedicated to Zeus Philios and to Trajan, the same temple where his own image would be later installed.³⁷

As a result of this negotiation, of which only faint indications are hinted in both epigraphs, a new option would have been found, one which would please the emperor, with his desire of recognition as the head of the Empire throughout its lands, and, at the same time, the proponent cities. These considered in the end that the alternative set forth by the emperor was respectable enough

36 These "own" temples to which Hadrian makes reference could be identified with the one remembered in HA, *Hadri.* 13.6: *eodemque modo per Asiam iter faciens templa sui nominis consecrauit.*

37 Hadrian's stay in Pergamum is not documented but is thought to have taken place in 124, while in Mysia, Anthony R. Birley, *Hadrian* (London: Routledge, 1997), 166–7. A colossal bust of Hadrian comes from the temple, comparable to that preserved of Trajan, and made at different times but with the same hands. Burrell, *Neokoroi*, 27–28. Cécile Evers, *Les portraits d'Hadrien* (Bruxelles: Académie royale de Belgique, 1994), 89–90, No. 14.

for it to be recorded in an everlasting monument, even if that same monument would also hold the initial, refused intention. The proof of this frustration would remain as sign of spiritual grandeur and of the fervour (προθυμία) for their emperor by the Achaean League and the city of Pergamum. At the same time, it would serve as testimony of the prudence of the emperor, as the negative reply would have resulted in a positive outcome.

5.3.3 *Apparent Petition-and-Response*

Among the letters, and other related documents, from Hadrian's chancellery a third group of documents can be identified, that which we will refer to as "apparent Petition-and-Response". Formally, this group reproduces the model defined by Millar and included here under the first set previously studied: a civic decree, a letter, and a delegation to transmit the petition followed by a positive response from the emperor. But there is a factor that goes beyond these formal aspects of the communication and that can only be recognized after the content analysis of the text itself. These are petitions addressed to the emperor as a consequence of some previous measure taken by him. The imperial initiative, thus, would have created new circumstances that would lead to this query, which points towards discarding the image of the passive emperor waiting for provincial envoys. This third group was only dispatched to manage the effects of a measure previously set into motion by Hadrian.

The imperial actions that served to initiate the dialogue with the provincials may be classified into two large groups: those of a local nature, and those with validity for the entire Empire. When the emperor modified either the general or the particular circumstances of a city, a new chain of situations could arise which would have caused new petitions to the emperor. A process would then start which was not triggered from the cities of the provinces, and not with an emperor as passive object in the exchange.

A good example of this is provided by the three letters that Hadrian sends to the new city of Stratonicea/Hadrianopolis.³⁸ The first of the series is, without a doubt, the most interesting one. The text runs as follows:

Δίκαια ἀξιοῦν μοι δοκεῖτε καὶ ἀναγκαῖα ἄ[ρ]|τι γεινομένη πόλει· τὰ τε οὖν τέλη
τὰ ἐ[χ]| τῆς χώρας δίδωμι ὑμῖν, καὶ τὴν οἰκίαν Τι[β]|. Κλαυδίου Σοκράτους
τὴν οὖσαν ἐν τῇ [πό]|λει ἣ ἐπισκευαζέτω Σωκράτης ἢ ἀποδό[σ]|[[θ]ω τινὶ τῶν
ἐπιχωρίων, ὥς μὴ χρόνῳ [καὶ ἄ]|μελείαι καταριφθεῖη.

38 Oliver, *Greek Constitutions*, No. 79, 80, 81. Martín, *La documentación griega*, No. 22, 23, 24.

You seem to be asking for things that are only just and necessary to a recently established city. Accordingly, I grant you the taxes from the rural area, and as for the house of Tib. Claudius Socrates which is in your city, let Socrates either repair it or sell it to one of the local inhabitants so that it does not collapse from age and neglect.

At first sight, this would seem a clear instance of petition-and-response that, in addition, would not affect the purely formal or honorific aspects, as in the first letters of the beginning of the reign, but to the essence of citizen life itself. But it must be recalled that Hadrian had radically changed the situation of the territory. In 124, on his travels through Mysia, he decided to reorder the head of the Caicus and to found the new city of Stratonicea, which would, since then, take his name.³⁹

The history of the territory is complicated and hardly accessible due to the scarcity of sources.⁴⁰ Stratonicea was a Hellenistic city whose most noteworthy historical reference makes it the last refuge for Aristonicus, in 130 BC. From that moment, news are so scant that there are even doubts of whether the city survived Roman punishment. Whatever the case might have been, it seems evident that an important section broke off from the civic territory, becoming an agricultural community, the *Indeipediatae*. Silence rules over that territory until, under Trajan, Stratonicea and *Indeipediatae* started as one to mint coin. Undoubtedly, this fact should be considered a symptom of rapprochement towards the reintegration of the ancient community. This was the work of Hadrian. The fusion of the old *polis*, diminished for its disloyalty to Rome, with its rural districts of old created a new city: Stratonicea-Hadrianopolis.

It was this imperial initiative that opened new fronts in the administrative and political life of the territory. The rural districts that for over a period of two centuries had been in the hands of the *Indeipediatae* would have probably been paying tribute directly to Rome in the tradition of the Royal Land. Once the city had been founded and with the intention of perfecting the work of the emperor, they now requested from Hadrian the ascription of these taxes to the new polis: a totally reasonable petition to which the emperor agreed immediately, as if intending to correct his own carelessness. Equally, as an

39 Birley, *Hadrian*, 162–66. He founded in the region the cities of Hadrianotherae, Hadriani and Hadriana, in addition to Stratonicea-Hadrianopolis. Mary Taliaferro Boatwright, *Hadrian and the Cities of the Roman Empire* (Princeton: Princeton University Press, 2003), 184–90.

40 A.H.M. Jones, *Cities of the Eastern Roman Provinces* (Oxford: Oxford University Press, 1937), 84–6.

adjustment before the consequences of the imperial decision, one must consider the dispositions established on the house of the one called Socrates.

A possible assumption drawn from this dialogue in search of perfection in imperial work would allow Hadrian and his administration to learn from their mistakes. In a letter addressed to the city of Antinopolis between 130 and 134, the emperor, *motu proprio*, exempted its inhabitants of liturgies external to the city and to which they might have already been compelled before the foundation: “And I release you from all liturgies elsewhere, for you already have a city to serve ... you draft to fulfil your own needs.”⁴¹ The interesting aspect in this letter is not only that the emperor is now finally conscious, in the decade of the 30s, of the need to reorganize the new city’s finances. It is also worth highlighting that this letter does not correspond, nor in form nor in content, to the petition-and-response model. There is no mention of a decree, a delegation, or a letter; it seems to have been written on the own initiative of the emperor.

Petition-and-response is a modality of the relation between emperor and the cities, not the essence of that relation in itself. This can be likewise observed in the letters exchanged as a consequence of imperial initiatives of general scope, valid for the entire Empire.

A good example of this type of letters is the one found in the city of Heracleia of the Lyncestae, in Macedon. Despite the unfortunate mutilation of the epigraph, having lost the letter’s heading, there exists general consensus in the attribution of the document to Hadrian.⁴² The letter appears to be a request for clarification on who should bear the expenses of construction and upkeep of public ways.⁴³ There was also a request for advice on the way to pave the roads, and here the text becomes explicit:

τίνα δὲ δεῖ τρόπον στόρνυσθαι τὰς ὁδοὺς, κοινῶι διατάγματι ἐδήλωσα.

How the roads are to be paved I have set forth in a general edict.⁴⁴

41 Oliver, *Greek Constitutions*, No. 164. Martín, *La documentación griega*, n. 43: “καὶ λειτουργι[ῶν πασῶν τῶν ἀλλαχοῦ ἀφίημι] ὑμᾶς ἔχοντας ἤδη πόλιν ἣ λειτουργ[ήσετε....] ἰς τὰς χρεῖας ὑμῶν αὐτῶν ἰσάγετε.” Michael Zahrt, “Antinoopolis in Ägypten: Die hadrianische Gründung und ihre Privilegien in der neueren Forschung”, *ANRW II* 10.1 (1988): 690–701.

42 Oliver, *Greek Constitutions*, No. 56. Martín, *La documentación griega*, No. 17.

43 J.A.O. Larsen, “Roman Greece”, in *An Economic Survey of Ancient Rome, IV*, ed. by Tenney Frank (Baltimore: The Johns Hopkins Press, 1938), 458–9, n. 23.

44 According to Pausanias I 44.6, the width of the road from Megara to Corinth was enlarged so that two carts could travel at the same time. We could logically suppose that the new dimensions of the road might be included in the emperor’s new general edict.

This same need to clarify doubts on the application of general measures can be recognized in the famous letter addressed to Athens that has traditionally been considered, by part of the researches, as fishmongering regulations upon the celebration of the Eleusinian Mysteries.⁴⁵ As I have tried to prove elsewhere, I believe the letter is intended to specify the way in which a general edict against intermediaries and speculators was to be implemented in Athens.⁴⁶ We know of this edict thanks to a battered inscription in Nicomedia.⁴⁷ In spite of its state of deterioration, there are evident signs of concomitance between both sources, even with vocabulary in common. This link would be logical if we were to accept the existence of a hierarchical filiation from a normative perspective, *i.e.*, first a general edict followed by the Athenian letter. It could thus be concluded that the Athenians consulted the emperor on the best way to implement it in the city, to which he replied to limit the number of intermediaries that could intervene in the sale of products reaching port.

Furthermore, the emperor was fully aware that the execution of his projects and orders could cause new situations to arise that would require of additional intervention or decisions. He was so certain that this was bound to happen, that he articulated the mechanism for the new dialogue to flow with institutional normality; the cities would address in time and manner new petitions that he would reply to, granting them, authorizing them, or otherwise. The form of communication based on petition-and-response was articulated, and later consciously developed, from an original imperial initiative. The identification of this principle, it must be underlined, is not only the consequence of a secondary process of evidence interpretation, as the previous paragraphs could be read; it would be more correct to see it as an explicit form made by Hadrian of the administrative and bureaucratic process in decision making. We will expound on this.

The recent publication of the three letters addressed to the “Travelling Thymelic Synod of the Sacred-Victor Stephanitic Technitae attached to Dionysus”, that appeared in a stela in the city of Alexandria Troas, has provided positive evidence of this new form of administration.⁴⁸ Concerned by

45 Oliver, *Greek Constitutions*, No. 77. Martín, *La documentación griega*, No. 14.

46 Juan Manuel Cortés-Copete, “Adriano y la regulación de los mercados cívicos. Una nueva lectura de IG II² 1103”. *Habis* 46 (2015): 239–61.

47 TAM IV 1.3.

48 Georg Petzl and Elmar Schwertheim, *Hadrian und die dionysischen Künstler* (Bonn: Habelt, 2006); Christopher P. Jones, “Three New Letters of the Emperor Hadrian” *ZPE* 161 (2007): 145–56 and Jean-Yves Strasser, “Qu’on fouette les concurrents...’ à propos des lettres d’Hadrien retrouvées à Alexandrie de Troade”. *REG* 123 (2010): 585–622.

the threats of financial abuse hovering over the celebration of games in the Empire, Hadrian dictated several norms on the use of funds that the cities allocated to them. These measures were designed to guarantee the final destination of the resources reserved for the games, avoiding the diversion to other purposes, a problem he had encountered in Delphi. He wrote (Il. 9–10):

εἰς ἄλλα δαπανήματα οὐδὲ εἰς ἔργου κατασκευὴν ἐφήμι | χρήσασθαι ἀργυρίῳ,
ἐξ οὗ ἄθλα τίθεται ἀγωνισταῖς ἢ συντάξεις δίδονται τοῖς νε[ι]κήσασιν.

I do not permit the employment for building construction of money out of which prizes are established for the contestants or allowances are awarded to the victors.

Hadrian, in line with the ideas expressed by part of the intellectual oligarchy from the Greek East, preferred to protect the agonistic activity over aedilician programs, possibly thinking what was expressed at the time with a line from Alcaeus: “men are the most solid bastions of the city”.⁴⁹ And even if the direct use of this line cannot be attributed to the emperor, in one of his rescripts found in the *Digest*, Hadrian had the chance of manifesting his agreement with this idea of the supremacy of human beings as the goal of government: *cum ampliari imperium hominum adiectione potius quam pecuniarium copia malim*, “since I prefer to expand the Empire through the addition of human beings than the abundance of money”.⁵⁰

But the mere existence of human beings, that could be considered the supreme asset that the Empire should protect, could require at times of food crisis that all available funds be used to secure the purchase of wheat supplies.⁵¹ For this reason, and even if he forbid the diversion of money destined to the games to any other destination, he allowed an exception, the use of these

49 Alcaeus, fr. 112 L-P. The acknowledgement of the principle that the city is made of its men, not its buildings: Aristid. XXIII 68. In this same discourse (XXIII 73) the sophist attributes to an emperor, which I believe to be Hadrian, the order of conducting civic life in agreement with these principles. Cortés-Copete, “Polis Romana”, 413–37.

50 *Dig.* 48.20.7.3. This principle of ruling in favour of men can also be recognized in the prelude of the *sermo* of the procurators by Hadrian, collect in the African inscriptions, CIL VIII 25943: “quia Caesar nost(er) infatigabili cura sua per quam adsidue pro humanis ut(il)itatibus excubat.”

51 The attention of Hadrian on the provisioning of the cities: D.C. 69.5.3. Access to imperial wheat was granted to Athens, DC 69.16.2. Hadrian also granted access to Egyptian wheat to Ephesus, once Rome had been supplied: Michael Wörrle, “Aegyptisches Getreide für Ephesos”. *Chiron* 1 (1971): 325–40.

resources to palliate the city's lack of supplies. However, this budgetary modification would have to be authorized by the emperor himself (ll. 10–13):

εἰ δὲ ποτε ἐπεῖξαι | πόλιν, οὐκ εἰς τρυφήν καὶ πολυτέλειαν, ἀλλ' ὡς πυρὸν ἐν
σειτοδείᾳ παρεσκεύασα, πόρον τινὰ ἐξευρεῖν, | τότε μοι γραφέσθω, ἄνευ δὲ
ἐμῆς συγχωρήσεως μηδὲν πρὸς τὸ τοιοῦτό τι ἐξέστω λαμβάνειν τάδε | εἰς τοὺς
ἀγῶνας ἀποτεταγμένα χρήματα.

if it should ever be urgent that a city find some source of revenue, no for the purpose of luxury and extravagance, but as I have procured wheat in a time of shortage, the let me be written to. But without my permission, let no-one be permitted, for this purpose, to take the money which was reserved to the games.

A clear conclusion can be drawn from this section: the mechanism of petition-and-response does not reflect, neither necessarily neither essentially, a passive attitude of the emperor. It might be considered as a direct consequence of an initial imperial action, as it has been seen in explicit and well-contrasted occasions. This could be specific and with a local effect (the foundation of a city), or general (edicts on roads and against intermediaries, game funding regulations). The way in which these decisions, whether particular or general, should be applied generated new uncertainties and new problems that all expected the emperor to solve. Hence, it became necessary to request in order to receive a response.

5.3.4 *Letters by Imperial Initiative*

Up to this point we have witnessed the emperor replying to the petitions sent by cities. Hadrian attended to both the individual petitions of each of these communities, including instances of negative responses, and to those other petitions resulting from decisions previously made by the emperor, of a local or general character. Still, the emperor could also use the letter as an instrument to communicate decisions taken of his own initiative, offering the cities benefits and gifts born from his magnanimity.

Despite the fragmentary state of the text, the remains of one of the letters that was addressed to Athens are explicit enough about this procedure. The emperor proclaims his love to the city and acts accordingly:⁵²

52 Oliver, *Greek Constitutions*, No. 85. Martín, *La documentación griega*, No. 45. Paul Graindor, *Athènes sous Hadrien* (Cairo: 1934), 44.

"Ἴστε ὡς πάσαις χρώμαι προφάσασιν τοῦ εὖ ποιεῖν καὶ
 δημοσίᾳ τὴν πόλιν καὶ ἰδίᾳ Ἀθηναίων τινάς· τοῖς παισὶν
 ὑμῶν τοῖς [τε νέοις τὸ γυμνάσι]ον δίδωμι πρὸς τῷ κόσμ[ω]
 ὄν [- - - - - τ]άλλαντα ἐπι[δίδω]
 [μι - - -

Know that I take every occasion to benefit both the city publicly and any
 of the Athenians privately. To your sons and to the Neoi I give the gymna-
 sium ... in addition to the decoration ... I give you also x talents ...

It seems evident that the emperor wanted to make clear his desire of benefit-
 ing Athens for no other reason than his own desire to do so. This unhidden
 favour for that city transcended the local scope and was incorporated to the
 historiographic account. The *Historia Augusta* recalls how "he granted many
 benefits to the Athenians", *multa in Athenienses contulit*, a statement with
 which Cassius Dio is in agreement (69.16.2), even in the terms, recalling that
 he granted large quantities of money to the Athenians. χρήματα τε πολλὰ ... τοῖς
 Ἀθηναίοις ἐχαρίσατο.⁵³ Furthermore, the archaeological record continuously
 provides samples of the enormous transformation that the city underwent by
 the works and grace of the philhellene emperor.⁵⁴

This same magnanimous attitude can be recognized in other places as well.
 A close parallel to Athens is found in the letter addressed to Miletus in the last
 years of his rule. Even though the state of mutilation of the epigraph deprives
 us of the content of the imperial favour, the enunciation of one of the general
 principles of his intervention in the cities is sufficiently explicit:⁵⁵

[K]αὶ διὰ τὴν π[ρὸς τὸν θεὸν ε]ὐσέβειαν
 [κ]αὶ ὑμᾶς τειμ[ήσων, ἐπεὶ ἐσ]τί μοι σύ[ν]
 [ν]ηθεὶς τὰς εὐδ[οξοῦσας πόλει]ς φιλοφ[ρο]
 [νε]ῖσθαι ταῖς π[ροσηκούσαις εὐεργεσίαις]

Both by way of reverence toward the god and to do honor to you, since it
 is my custom to foster the cities of good reputation with the benefactions
 which are suitable ...

53 HA, *Hadr.* 13.1. D.C. 69.16.2.

54 Dietrich Willers, *Hadrians panhellenisches Programm. Archäologische Beiträge zur Neugestaltung Athens durch Hadrian* (Basel: Vereinigung der Freunde Antiker Kunst, 1990). Boatwright, *Hadrian*, 145–57.

55 Oliver, *Greek Constitutions*, No. 87. Martín, *La documentación griega*, No. 52.

During one of his visits to the province of Achaia,⁵⁶ Hadrian ordered the execution of an important public works project: the construction of contention dikes against floods and the drainage of swamp areas around the lake Copais and its tributaries.⁵⁷ The text of the first letter, in which the city of Coronea is communicated the Imperial decision, is absolutely clear. With no reference whatsoever to the existence of a delegation, without trace of the city's petition, Hadrian, in an imperative tone, orders the execution of the works and provides the necessary funding. Distant are those other documents in which the emperor consented to or granted what had been requested:⁵⁸

ἐκέλευσα γενέσθαι χώματα τῷ Κηφεισῷ καὶ τῇ Ἑρκύννῃ καὶ τοῖς ἄλλοις ποταμοῖς καθὼς ἤδη μετ' ἀλλήλων ῥέοντες εἰς τὴν Κωπαΐδα λίμνην ἐμβάλλουσι, καὶ γενήσεται τὴν ταχίστην ὡς κατὰ τὰς ὄχθας ῥέοντες μὴ ἐκτρέποιντο τοῦ πόρου μηδὲ ὥσπερ νῦν ἐπικλύζοιεν τὴν πολλὴν τῆς χώρας τῆς ἐργασίμου· κατὰξω δὲ ὑμεῖν καὶ ὕδωρ· καὶ τὸ μὲν ἀργύριον δοθήσεται παρ' ἐμοῦ ἔξ καὶ ἡμισυ μυριάδες,

I ordered dikes to be made for the Cephissus and the Hercynne and the other rivers along the section where they now flow together before emptying in to the Copaic Lake. Construction shall occur as soon as possible so that they flow along their banks and be not diverted from their course nor, as now happens, flood most of the cultivable land. I shall construct an aqueduct for you too. The money will be given by me, 65000 denarii ...

It would be naïve to think that the imperial decision was taken without previously contacting the Coroneians and without them having somehow shown to him the opportunity of executing this great project. Cassius Dio (69.9.1) was aware of the emperor's attitude during his travels: "Hadrian travelled one province and the next, inspecting its territories and cities, τὰς τε χώρας καὶ τὰς πόλεις ἐπισκεπτόμενος". Far from a romantic trip, visiting the Empire was an act of government for Hadrian, a privileged tool with which to learn and act. As A. Birley clearly established, during Hadrian's stays in Hellas and the rest of the provinces, he sought to establish relations with local oligarchies and, especially, with those that had had or could have some kind of imperial projection. Lodging at their

⁵⁶ Birley, *Hadrian*, 186.

⁵⁷ John M. Fossey, "The City Archive at Koroneia, Boiotia". *Euphrosyne* 11 (1981–2): 44–59; John M. Fossey, "The Cities of the Kopais in the Roman Period". *ANRW* 11 7.1 (1979): 549–91.

⁵⁸ Oliver, *Greek Constitutions*, No 108.

homes, eating with them, visiting the country in their company, Hadrian was informed, as never before an emperor, of the virtues, weaknesses and needs of the diverse regions and territories visited. As one can infer from the letter of Coronea, he took action of his own accord, using letters as the instrument of his will. Henceforth, a dialogue is established between the parts, the cities and the emperor, to find solution to new problems and doubts born as a result of the inception of the project. Problems would linger until the reign of Marcus Aurelius.

Yet another fundamental facet of the emperor's ruling procedures can be deduced from that first letter: the way in which his projects were conceived and set in motion. Upon communicating his decision, Hadrian leads to believe that he has come to third-party informants, possibly unconnected with Coronean interests. These informants, experts specialized in public works and, for this same reason, probably military engineers, would have drawn up a technical project with its corresponding budget. Only when he was in possession of all the information, the emperor gave the order to start the works and communicated it to the city:

“The money will be given by me, 65000 denarii, which the experts in such matters say will be necessary”, ὅσου δεήσειν ἔφασκον οἱ τῶν τοιούτων ἐπιστήμονες.

This same pose towards financial problems can be recognized upon dealing with the way to finance a number of statues that had to be raised in Ephesus, under the responsibility of the trumpeters and heralds of the games. The emperor resolved that funding would come from the foundation established over the lands of Nysios:

ἦσαν δέ τινες ἔμπειροι τῶν ἐπιχωρίων, οἱ λέγοντες ὅτι... “there were some local experts who maintained that there were some surplus funds, if the necessary care would be taken of the assets and there would be a precise audit of the accounts”.⁵⁹

The practice of being fully informed before reaching a decision, especially when it would affect public funds, was one of the distinctive features of Hadrian's ruling style. The *Historia Augusta* points at it in several occasions from the beginning of his reign. The remission of the *aurum coronarium*, as a

59 Petzl and Schwertheim, *Hadrian*, ll. 42–43. It makes reference to the foundation established in his testament by the agonotheta Tib. Claudius Nysius: Bernhard Laum, *Stiftungen in der griechischen und römischen Antike* (Berlin: Teubner, 1914), 117.

whole for Italy or yet in part for the provinces, was only decided *difficultatibus aerarii ambitiose ac diligenter expositis*, “once the difficulties of the treasury had been exposed, with ostentation though scrupulously.” In the same manner, the revision of the subsidies paid to the Roxolani was only carried out *cognito negotio*, “the matter having been studied.” This same source states of Hadrian that all his intellectual skills were placed in the act of government, in finances in particular: *omnes publicas rationes ita complexus est*, “and this way he bore in mind all public accounts”.⁶⁰ In this need for effective information that would contribute to decision making, independent, yet not in opposition to city petitions, we need to search for one of the possible reasons for which the *frumentarii* were assigned intelligence roles.⁶¹ Thus, the emperor would have acquired freedom of action through knowledge.

An honorific inscription in Delphi, a city also happily touched by the hand of the emperor, allows us to establish the connections between the *frumentarii*, military engineers and the public works conceived and executed by the emperor. The demiurges of the city, in an ordinary session, decided to grant Delphic citizenship to Gaius Iulius Pudens, the *frumentarius* who was in charge of the imperial public works.⁶²

The imperial need of securing precise, exact and independent information not only affected financial affairs. The multitude of laws that coexisted in the Empire forced him, when he wished to reform or revitalize old institutions, to have access to valid information. The best example may be found during the time when Hadrian conceived the project of turning the Delphic Amphictyony into a common council for all Greeks. As soon as his intention was known, implying money for public works, games and sacrifices, as well as prestige and the opportunity of social promotion for its managers, disputes would arise. Thessalians and Delphians engaged in a confrontation that resulted in the emperor's conviction that the best site for his Panhellenic project would be Athens. But while the time came of desisting and relocating to the capital of Attica, Hadrian gave out precise orders to continue preparing new future decisions:

60 HA, *Hadr.* 6.5; 6.8; 20.11.

61 HA, *Hadr.* 11, 4–7. William Gurnee Sinnigen, “The Origins of the *Frumentarii*”. *MAAR* 27 (1962): 211–34. François Paschoud, “*Frumentarii*, agentes in rebus, magistriani, curiosi, veredarii: problèmes de terminologie”, *Bonner Historia-Augusta Colloquium* 1979/81 (Bonn, R. Habelt, 1983), 215–43. John C. Mann, “The Organization of *Frumentarii*”. *ZPE* 74 (1988): 149–50.

62 *FD* III 4 98.

ἐνετ[ειλ]άμεν Κλαυδίω Τειμο[κρ]άτει σ[υναγ]αγόντι τῶν Ἀμφικ[τυιονικ]ῶν
δογμάτων | ὅσα ἢ ἐνά[ντι]α ἀλλήλοις ἐστὶν [ἢ νόμοις τοῖς] κοινο[ῖς] | πέμψαι
μο[ι] ἵνα καὶ τούτων τις ἐ[ξέτασ]ις γένηται.

I have commissioned Claudius Timocrates to collect and send to me the Amphictyonic decrees which are in conflict with one another or with the common law, in order that an investigation also of these may be made.⁶³

The text is explicit enough, hardly needing comment, on a complex *modus operandi* in the management of Imperial matters. By all means, the legal report, somehow equivalent to the technical project of the works conceived by the emperor, demanded for a person to be sent to consult the archives of the Amphictyony, to chronologically order it, to detect contradictions among them, to establish which norms were in force and which should be considered abrogated and, most importantly, to study them under the light of the “common laws”, possibly those of validity throughout the empire. All of this to enable the emperor to reach a decision during an announced, and near, visit to Delphi. The emperor would portray himself as a conscientious, active and conscious administrator, fully aware of his task.

5.3.5 *An Integrated Management*

Reading Hadrian's letters renders, reiteratively and as one of its main characteristics, indications of a well-designed administration, capable of managing diverse aspects of reality in an integrated way. This would surpass by far the administrative limitations implied in the petition-and-response model.

Millar's proposition is based in the supposition of a bilateral relationship between the emperor and the requesting city, relation that culminated with the approval or refusal of the petition itself. Hence, as the emperor takes upon himself the task of making decisions, not only do limitations come to the actions of imperial counsellors, secretaries and the rest of office staff, but one notion is consolidated: queries brought up to the emperor were closed during the same ceremony in which the civic decree was read and the delegation made its petition, in the hopes of a positive reply. In this way, the decision-making process would have been recreated with every new petition and concluded with the concession, like small administrative islands each formed by a single

63 Oliver, *Greek Constitutions*, No. 75. Martín, *La documentación griega*, No. 18. *FD* III 4, 302, Col. II ll. 37–40. Juan Manuel Cortés-Copete, “El fracaso del primer proyecto panhelénico de Adriano”. *DHA* 25 (1999): 91–112.

instance of resolution.⁶⁴ But when one is confronted by a corpus as extensive as that of Hadrian and connections are made with other literary, legal and historical testimonies, the resulting image is arguably different.

The numerous issues that the emperor had to deal with frequently generated an exchange in communications and subsequent decisions that needed to reach other parties, whether for its application or mere acknowledgement. The actions of the government were not limited to the necessary reply after a petition; the emperor knew that, at times, a new decision had to affect third parties not directly implicated in the petition-and-response process. I call this complex ruling mechanism “integrated management”, due to the fact that it could involve one or more imperial secretariats in addition to provincial, territorial or civic authorities. From this form of government emerged new letters addressed to a natural person or a legal entity that might have different degrees of connection and proximity with the matter at hand or its main political figures.

The emperor could generate *mandata* for governors and procurators, in the form of letters, with instructions to fulfil prior decisions. In the letter to Stratonicea, previously mentioned, by which the city was granted the taxes from the *chora*, letters were sent to the governor and the imperial procurator, probably in charge of collecting taxes from that old *ager publicus*, heir of the *gé basiliké*.⁶⁵ A similar procedure can be observed when the emperor accepted the arguments of Aphrodisias, granting the exemption over cloves. Hadrian wrote to his procurator in the province of Asia, a province of the People, for him to communicate to the lessee of the taxes that Aphrodisias had been declared immune.⁶⁶ And all this knowing that Aphrodisias, under its free city status, was not included in the *forma provinciae*.

The emperor's *mandata* could not only be the communication of a firm decision to the Roman agents in the provinces, whether of senatorial or equestrian orders. At times, the emperor preferred not to make the decision himself and delegated the issue to his man on the field. Thus, in the case of the disputes arising among the cities affected by the drainage in the lake Copais area, Hadrian referred the matter to Aemilius Iuncus:

64 Millar, *The Emperor*, 213–8.

65 Oliver, *Greek Constitutions*, No. 79. Martín, *La documentación griega*, No. 24, ll. 14–16.

66 Oliver, *Greek Constitutions*, No. 69, ll. 15–17. Joyce Reynolds, “New letters from Hadrian to Aphrodisias: trials, taxes, gladiators and an aqueduct”. *JRA* 13 (2000): 5–20, where a new copy of this letter is published.

I wrote to his Excellency, my friend Aemilius Iuncus, to go to the River Phalarus and to do whatever he considers suitable. Inform him of what you said in my presence.⁶⁷

This same attitude is visible in the first letter to the Synod of the Artist of Dionysius found in Alexandria Troas. Concerned with the management that the Corinthians might have undertaken with the funds destined to the games, he sent “to the proconsul the accounts of the Corinthians, writing so that with as much celerity as possible he would investigate its contents...”.⁶⁸ Evidently, the emperor preferred not to sentence from the distance over matters that required a precise knowledge of the documentation, of the evidence and the reality itself. He was here following the same principle that had been established on the importance of evidence in criminal proceedings and litigations.⁶⁹

In that same letter addressed to the Synod, Hadrian shows signs of nearly frantic epistolary activity, listing the written orders and consultations he made, addressed to Roman or civic institutions, on his initiative. In this way he wrote to the Ephesians exempting the trumpeters and heralds from erecting statues with their private funds, because there was a foundation for that end. He also wrote to the governor of Syria so that he would take measures on the games of Apamea. Large quantities of letters left his chancellery and reached the provincial councils to inform them of the division of the Balbilleia. He also wrote to the prefect of Egypt to guarantee payment to the victors in the Hadrainic Games of Ephesus.⁷⁰ And finally, he informs the synod: “the provincial governors, for each one of the cities, will occupy themselves in that all is carried out in the time and manner that I have designed”.⁷¹ The emperor just revealed a new massive dispatch of *mandata* to all the governors of the affected provinces. A great administrative operation had been set up affecting dozens, directly or indirectly implicated; this serves to show the administrative capacity of the new bureaucratic structure, efficient even at its embryonic stage.

67 Oliver, *Greek Constitutions*, No. 112, ll. 5–8. Aemilius Iuncus appears as a *corrector*, *diorthotes*, of the free cities and *legatus Augusti propraetore* in that province of the people: Jean-Louis Ferrary and Denis Rousset, “Un lotissement de terres à Delphes au II^e siècle après J.-C.”. *BCH* 122 (1998): 278–342.

68 Petzl and Schwertheim, *Hadrian*, l. 32.

69 Honoré, *Emperors and Lawyers*, 12–13.

70 Petzl and Schwertheim, *Hadrian*, l. 41 (Ephesos), 43 (Governor of Syria), 46–7 (Prefect of Egypt). Of special interest is the information on line 45, where reference is made of the simultaneous dispatching of numerous letters, one per provincial council.

71 Petzl and Schwertheim, *Hadrian*, l. 55: “τοῦ δὲ γείνεσθαι ταῦτα πάντα, ὡς ἐγὼ διέταξα, ἐπιμελήσονται παρ’ ἐκάστοις οὗτοι ἔθνους ἡγούμενοι.”

As this work intends to have illustrated thus far, the new Imperial administration devotes its work to the decisions of the emperor and their subsequent communication, the compilation of intelligence to reach said resolutions, the attention to the new issues that his decisions could generate, and the establishment of new competences for pre-existing institutions (governors, procurators, provincial Councils, cities) to assume the responsibility of their execution. This demanded from the administration both a never ending epistolary activity and the perception of a type of organization of the legal entities and individuals involved, with adequate identification of their respective fields of competence. In a nutshell, it demanded an integrated administration.

5.4 Conclusion

As I have tried to show in this preliminary study, the analysis of the Hadrianic corpus as a whole and the examination of the content of the letters reveal patterns of the relationship between the emperor and his subjects, showing a degree of complexity beyond what is proposed by the simple model of petition-and-response. Hadrian is perceived as an active agent, willing to develop his own projects at a local or general level, which seem to have sprung off a particularly profound knowledge, independent at times, of the needs of the regions and cities of his Empire. This favoured his role as promoter of transformational measures at a political and economic level that, undoubtedly, would be the fruit of his own conception of the meaning of prosperity and happiness for his subjects.

To carry out those projects, they enjoyed the embryo of an administrative structure that proved itself an efficient instrument to maintain a bilateral and vertical relation with its subjects, while at the same time being able to create diverse associations in different directions at a time, with a network involving in the execution of imperial orders all that could directly or indirectly be affected by them.

Ancient authors recognized the novelty in the way of ruling proposed by Hadrian. They saw in him an emperor with initiative, capable of acting upon his own ideas thanks to the information available to him and to an efficient administration with which to send out his orders. Cassius Dio (69.5.2–3) explicitly stated this:

Indeed, he did not even wait to be asked, but acted in absolutely every case according to the needs of everyone ... and he aided the allied and subject cities most munificently. He had seen many of them,—more, in

fact, than any other emperor,—and he assisted practically all of them, giving to some a water supply, to others harbours, food, public works, money and various honours differing with the different cities.

And this way, four years after the emperor's demise, that young sophist who had arrived in Rome with the intention of promoting himself politically, was able to recognize one of the most significant transformations in the government of the Empire which had taken place in the previous years: "governing the whole inhabited world by dispatching letters".

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PART 3

Political Communication, a Bottom-up Approach



The Roman Plebs and Rumour: Social Interactions and Political Communication in the Early Principate

Cyril Courrier

The sordid Plebs, addicted to the circus and theatre, and with them the basest slaves, as well as those men who had wasted their property and, to their shame, were wont to depend on Nero's bounty, were cast down and grasped at every rumour.¹

As is well known, one of the typical features of Tacitus' writing is his reliance upon the great number of rumours that spread within the Roman Empire during the first century. The problem has certainly been analysed in depth, particularly since the seminal article by Israel Shatzman in 1974,² but the possibility

* Aix Marseille Univ, CNRS, MCC, CCJ, Centre Camille Jullian, F-13000, Aix-en-Provence, France. For their help in reading and translating the text into English, I am much indebted to Jean-Pierre Guilhembet, Hélène Ménard and, especially, Pascal Montlahuc. This research is linked to the project "Opinión pública y comunicación política en la República Romana (siglos II–I a C.)" (2013-43496-P), Ministerio de Economía y Competitividad, Spain.

- 1 Tac. *Hist.* 1. 4. 3: "Plebs sordida et circo ac theatris sueta, simul deterrimi seruorum, aut qui adesis bonis per dedecus Neronis alebantur, maesti et rumorum audi" (transl. Loeb, slightly modified). All the translations derive from The Loeb Classical Library.
- 2 See, without claiming to be exhaustive, Inez S. Ryberg, "Tacitus' Art of *Innuendo*," *Transactions of the American Philological Association* 73 (1942): 383–404; Dionys M. Pippidi, *Autour de Tibère* (Bucarest: Inst. d'Hist. Univ. N. Iorga, 1944), 44–50; Leonardo Ferrero, "La voce pubblica nel proemio degli *Annali* di Tacito," *Rivista di filologia e di istruzione classica* 74 (1946): 50–86; Wolfgang Ries, *Gerücht, Gerede, öffentliche Meinung. Interpretationen zur Psychologie und Darstellungskunst des Tacitus*, (PhD diss., Universität Heidelberg, 1969); Jean-Marie Engel, "Tacite et l'étude du comportement collectif," (PhD diss., Université de Dijon, 1970), 327–365; Israel Shatzman, "Tacitean rumours," *Latomus* 33 (1974): 549–78; Robert Develin, "Tacitus and Techniques of Insidious Suggestion," *Antichthon* 17 (1983): 69–79; Harold Y. Mac Culloch Jr, *Narrative cause in the Annals of Tacitus* (Rudolstadt: Hain, 1984), 1–12; Étienne Aubrion, "L'eloquentia de Tacite et sa fides d'historien," *ANRW* II, 33, 4 (1991): 2642–45; Bruce J. Gibson, "Rumours as Causes of Events in Tacitus," *Materiali e discussioni per l'analisi dei testi classici* 40 (1998): 111–129; Maria Antonietta Giua, "Sul significato dei 'rumores' nella storiografia di Tacito," *Rivista Storica Italiana* 110 (1998): 38–59; Olivier Devillers, *Tacite et les sources des*

of a new approach exists, one which would not be “literary”, but would, rather, integrate various theories of so-called “interactionist” sociology.³

Of course, it would be quite impossible to attempt to deal with the whole phenomenon of rumours within a single article. In this chapter, therefore, I shall discuss the role and importance of rumours in the political communication of the Roman Plebs of the 1st century CE.⁴ Since it is unnecessary to go back to the republican period, which has been very well studied by Laurence, Rosillo-López and Pina Polo,⁵ the chronological range of this work will encompass the years covered by our major source, Tacitus,⁶ and our geographical

Annales. Enquêtes sur la méthode historique (Louvain – Paris – Dudley, MA: Peeters, 2003), 192–205; Philip R. Hardie, “Crowds and Leaders in Imperial Historiography and Poetry,” in *Latin Historiography and Poetry in the Early Empire: Generic Interactions*, ed. John F. Miller and Anthony J. Woodman (Leiden – Boston: Brill, 2010), 9–27; Philip R. Hardie, *Rumour and Renown: Representations of Fama in Western Literature* (Cambridge: CUP, 2011); Isabelle Cogitore, “Les rumeurs politiques sont-elles des bruits dans les *Annales* de Tacite?,” in *Les sons du pouvoir dans les mondes anciens*, ed. Sylvie Pittia and Maria Teresa Schettino (Besançon: PUFC, 2012), 399–425; Jérémy Direz, “Le pouvoir de la rumeur ou la rumeur au pouvoir?” in *Les sons du pouvoir dans les mondes anciens*, ed. Sylvie Pittia and Maria Teresa Schettino (Besançon: PUFC, 2012), 417–25.

- 3 The concept will soon be defined. As we shall see, the main principle is to understand the reason why one shares rumours, in order to reveal the different types of networks surrounding their exchange. Consequently, it uses relationships as a framework to analyse the phenomenon of rumours. The interactionist approach of the rumours dates back to Tamotsu Shibutani, *Improvvised news: A Sociological Study of Rumor* (Indianapolis: Bobbs-Merill, 1966). More recently, see Jean-Noël Kapferer, *Rumeurs. Le plus vieux média du monde* (Paris: Éd. du Seuil, 1990) and Philippe Aldrin, “Penser la rumeur. Une question discutée des sciences sociales,” *Genèses* 50 (2003): 126–41 and Philippe Aldrin, *Sociologie politique des rumeurs* (Paris: PUF, 2005).
- 4 In a recent book on the Roman Plebs from the end of the Republic to the beginning of the Empire, I have tried to lay the groundwork for the study of the phenomenon of rumours from this point of view, and I shall summarize some of my analysis, but this work needs to be updated and the most recent works added. See Cyril Courrier, *La plèbe et sa culture (fin du II^e siècle av. J.-C.–fin du I^{er} siècle ap. J.-C.)* (Rome: École française de Rome, 2014), 682–97.
- 5 Ray Laurence, “Rumour and Communication in Roman Politics,” *Greece and Rome* 41 (1994): 62–74; Cristina Rosillo-López, “‘Temo a los Troyanos’: Rumores y habladurías en la Roma tardorrepública,” *Polis* 19 (2007): 113–34; Francisco Pina Polo, “*Frigidus Rumor*: the Creation of a (negative) Public Image in Rome,” in *Private and Public Lies. The Discourse of Despotism and Deceit in the Graeco-Roman World*, ed. Andrew Turner, James Kim On Chong-Gossard and Frederik Vervaeke (Leiden – Boston: Brill, 2010), 73–90.
- 6 For Late Antiquity, see the excellent works of Julio C. Magalhães de Oliveira, *Potestas populi. Participation populaire et action collective dans les villes de l’Afrique romaine tardive (vers 300–430 apr. J.-C.)* (Turnhout: Brepols, 2012), 131–32, 138, and “The Emperor is Dead! Rumours, Protest, and Political Opportunities in Late Antiquity,” in this volume.

focus will be the city of Rome. Tacitus often presents rumours as originating from the people of Rome,⁷ and up to a point this is also true of other ancient authors like Suetonius and Cassius Dio.⁸ As we shall see below, this association between the lowest classes (generally the *uulgi*) and rumours was a means used by ancient authors to discredit the Roman Plebs and to portray them as irrational and depoliticized crowds. Nevertheless, these rumours seem relevant to our understanding of the evolution in Roman political communication between the Republic and the Principate.

As the important works of Fraschetti, Aldrete and Benoist demonstrated,⁹ the Forum and electoral spaces were no longer the main places for popular gatherings at the beginning of the Principate. New locations emerged during this period, particularly around the *Campus Martius*, its theatres and other places of spectacle. Moreover, in the institutionalized framework of urban celebrations, the Emperor progressively became the only person the masses would and could address.¹⁰ For their part, most of these urban masses understood what such a change of political authority implied: it meant that they now had numerous occasions to interact with the sole source of power and to submit requests directly to him.¹¹ Was this new situation the only means of communication between the Princeps and his people? This is far from certain, and I shall try to show that rumour played an important part in this political phenomenon.

First, it would be useful to present a few considerations on the treatment of rumours in our sources. The initial problem, which can neither be ignored nor entirely resolved, is a problem of reliability. I do not intend to raise the

7 Cogitore, "Les rumeurs politiques," 403–06. See also Shatzman, "Tacitean rumours," 552.

8 For Suetonius, see Jacques Gascou, *Suétone historien* (Rome: École française de Rome, 1984), 703–06. More broadly, the dissemination of rumours is almost always about Rome in our sources. See Rosillo-López, "Temo a los Troyanos," 117 and 122–29 for examples outside the capital.

9 Augusto Fraschetti, *Rome et le prince*, transl. Vincent Jolivet (Paris: Belin, 1994); Gregory S. Aldrete, *Gestures and Acclamations in Ancient Rome* (Baltimore – London: The Johns Hopkins University Press, 1999); Stéphane Benoist, *La fête à Rome au I^{er} siècle de l'Empire. Recherches sur l'univers festif sous les règnes d'Auguste et des Julio-Claudiens* (Bruxelles: Latomus, 1999). See also Courrier, *La plèbe*, 613–82.

10 Egon Flaig, *Den Kaisern herausfordern. Die Usurpation im Römischen Reich* (Frankfurt – New York: Campus Verlag, 1992), 59 and 76; Pierre Gros, "Le rôle du peuple de Rome dans la définition, l'organisation et le déplacement des lieux de la convergence sous l'Empire," in *Popolo e potere nel mondo antico*, ed. Gianpaolo Urso (Pisa: ETS, 2005), 191–214; Courrier, *La plèbe*, 650–82.

11 Flaig, *Den Kaisern herausfordern*, 46; Courrier, *La plèbe*, 697.

question of the veracity of rumours (a kind of false problem, as we shall see)¹² but rather to discuss the role played by rumour as a literary tool for ancient authors. On the one hand, Shatzman rightly emphasized how difficult and somewhat pointless it is to think of rumours as having been invented constantly by ancient authors.¹³ However, on the other hand, it is clear that the rhetorical dimension of history played, as Shatzman and Devillers have demonstrated, an important part.¹⁴ Indeed, rumours could act as a veiled way for the authors to mention discreetly their own sources (particularly if they were anonymous), or even to give their personal opinions. In this respect, the examples in the assessment of Augustus' reign at the beginning of the *Annals*¹⁵ or the rumours about Tiberius' cruelty at the beginning of his Principate are especially relevant;¹⁶ and the place attributed to gossip in, for instance, the rhetorical construction of Suetonius' *Lives*, has led to similar conclusions.¹⁷ Thus, it is clear that rumours played a role in shaping the judgment of some ancient sources about the emperors. Nevertheless, this "literary" view of the rumours does not encapsulate everything there is to say about them, particularly when, expanded by the Plebs, they acted as a "communicational lever" for public intervention, *i.e.* for "collective action".¹⁸ It is obvious that I cannot analyse every rumour

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- 12 As sociologists have shown, the separation between information and rumour is subjective: it is only the result of our own persuasion. See Kapferer, *Rumeurs*, 22–23; Aldrin, *Sociologie politique*, 57. However, this does not mean that the vitality of gossip depends upon its supposed veracity. As Francis Larran, *Le bruit qui vole. Histoire de la rumeur et de la renommée en Grèce ancienne* (Toulouse: PUM, 2011), 65–66, rightly points out: "pour qu'un bruit circule, il n'est (...) pas nécessaire que les membres d'une communauté croient tous à son contenu avec la même intensité. Il suffit qu'après avoir semé le trouble dans les esprits, il focalise l'attention." We shall return to this crucial point in the third section of the paper.
- 13 Shatzman, "Tacitean rumours," 550: "The extreme view that they are all invented cannot be accepted."
- 14 Shatzman, "Tacitean rumours," 560; Devillers, *Tacite*, 192–200. See also Giua, "Sul significato," 43.
- 15 Tac. *Ann.* 1.9–10 and the interpretation of the text by Pierre Grimal, *Tacite* (Paris: Fayard, 1990), 322–26.
- 16 For instance, see Shatzman, "Tacitean rumours," 567–69; 574–75. See also Devillers, *Tacite*, 194–95 (an excellent analysis of Tac. *Ann.* 1.76.4).
- 17 Gascou, *Suétone historien*, 703–06.
- 18 Within the field of classics, the concept has been discussed, above all, by Paul J.J. Vanderbroeck, *Popular Leadership and Collective Behavior in the Late Roman Republic (ca. 80–50 B.C.)* (Amsterdam: J.C. Gieben, 1987), *passim*; Magalhães de Oliveira, *Potestas populi*, esp. 23–24 (and in this volume) and Courier, *La plèbe*, esp. 427–37 and 745–48: collective actions can be defined as every important gathering of people in which some action or reaction of the crowd is discernible that promotes common interests. Among

disseminated by the people of Rome that is mentioned in ancient texts, or even in Tacitus' writings alone. I shall discuss only a few key examples, and examine what rumours can reveal about the politicization of the Roman Plebs at the beginning of the Principate. In doing so, I shall also try to challenge Tacitus, starting with the famous sentence of William A. Gamson: "Social actors are not political idiots".¹⁹ To achieve this, we shall see (1) how, in the early Principate, rumours were a means employed by the Plebs to interpret and comment upon political events or, in other words, "a practice of communication and social interaction".²⁰ For this reason, the second part (2) will be dedicated to the analysis of the social relationships between the plebeian actors involved in the dissemination of rumours. Thus (3), as a result of collective discussions between people who knew one another, rumours will appear as "a key to understanding the interpretive framework that protesters give to their action".²¹

6.1 Crowd Irrationality and the Intentionality of Social Actors: From One Sociological Paradigm to Another

To quote Cogitore, rumour (mainly *rumor* and *fama*, but sometimes *sermo*)²² refers to a kind of background noise of political life.²³ Commentaries and discussions spread in the City, but their origins and main protagonists were rarely

the works of political process theorists, see—among many others—Charles Tilly, *From Mobilization to Revolution* (New York: McGraw-Hill, 1978); Charles Tilly, *La France contestée*, transl. Éric Diacon (Paris: Fayard, 1986); Charles Tilly, *Popular Contention in Great Britain 1758–1834* (Cambridge: Harvard University Press, 1995); Charles Tilly, *The Politics of collective violence* (Cambridge: CUP, 2003); Charles Tilly and Sidney Tarrow, *Politique(s) du conflit. De la grève à la révolution*, transl. (Paris: SciencesPo. Les Presses, 2008); François Chazel (ed.), *Action collective et mouvements sociaux* (Paris: PUF, 1993); Michel Offerlé, "Périmètres du politique et coproduction de la radicalité à la fin du XIX^e siècle," in *La Démocratie aux extrêmes. Sur la radicalisation politique*, ed. Annie Collovald and Brigitte Gaïti (Paris: La Dispute/ SNEDIT, 2006), 247–68 and Michel Offerlé, "Retour critique sur les répertoires de l'action collective (XVIII^e–XXI^e siècles)," *Politix* 81 (2008): 181–202.

19 Quoted by Aldrin, *Sociologie politique*, 97.

20 To quote Magalhães de Oliveira in this volume.

21 Magalhães de Oliveira in this volume.

22 It seems unnecessary to enter into semantic details here. See Shatzman, "Tacitean rumours," 549–50; Zvi Yavetz, "Existimatio, Fama and the Ides of March," *Harvard Studies in Classical Philology* 78 (1974): 35–65; Annie Dubourdieu and Elisabeth Lemirre, "La rumeur dans l'affaire des Bacchanales," *Latomus* 56 (1997), 294–95; Rosillo-López, "Temo a los Troyanos," 114–16; Cogitore, "Les rumeurs politiques," 399–403. Rumours can also be reported in the form of periphrases. See Gascou, *Suétone historien*, 703–06.

23 Cogitore, "Les rumeurs politiques," 400.

identified.²⁴ The multiplicity of discussions resulted in the diffusion of ideas or opinions. Nevertheless, in numerous examples, Tacitus makes the *populus*²⁵ and, above all, the *uulgus*, responsible for it.²⁶ This recurrent association is a clear mark of Tacitus' contempt for the naïve *uulgus imperitum* that would accept every rumour because of chronic naivety and natural inclination,²⁷ while he himself, an educated aristocrat, was far more circumspect (to say the least).²⁸ Thus, Tacitus explains, on one hand, that rumours were not exact reflections of the truth²⁹ and, on the other hand, that every man (above all from the Plebs) tends to exaggerate reality, especially in times of political crisis.³⁰ Nonetheless, Tacitus was entirely aware of the fact that rumours could contain some truths, and he noticed this above all when the rumour praised a person he appreciated, such as his father-in-law Agricola.³¹

A sentence from the second book of the *Histories* summarises Tacitus' position about his choice of material for his writings, among which were rumours: "While I must hold it inconsistent with the dignity of the work I have undertaken to collect fabulous tales and to delight my readers with fictitious stories, I cannot, however, dare to deny the truth of common tradition".³² Tacitus took a sceptical view of popular stories but, as a historian, he could not ignore them.³³ He thus mentioned rumours consciously, especially when they had

24 See, for instance, Tac. *Hist.* 1.12.2–3. For a sociological perspective, Aldrin, *Sociologie politique*, 18.

25 Shatzman, "Tacitean rumours," 552, n. 16 (with indication and quotation of the sources).

26 Shatzman, "Tacitean rumours," 552, n. 15; Cogitore, "Les rumeurs politiques," 404; Courrier, *La plèbe*, 683 (with indication and quotation of the sources) and *infra*. For the lexical field of the urban Plebs, see, above all, Zvi Yavetz, *Plebs and Princeps* (New Brunswick – Oxford: Transaction Books, 2nd ed. 1988, 1st ed. 1969), 141–55 and Courrier, *La plèbe*, 1–2 and 493–97.

27 Tac. *Ann.* 4.11.1–3; *Hist.* 1.4.3. On this last passage, see most recently Christophe Badel, "Pars populi integra: clientèle et régulation sociale chez Tacite," in *Les régulations sociales dans l'Antiquité*, ed. Michel Molin (Rennes: PUR, 2006), 71–84 and Courrier, *La plèbe*, 899–903. See also Quint. *Inst.* 5.3.1 and the commentary of Hélène Ménard, *Maintenir l'ordre à Rome (II^e–IV^e siècles ap. J.-C.)* (Seyssel: Champ Vallon, 2004), 23–24.

28 Shatzman, "Tacitean rumours," 551–59.

29 Tac. *Ann.* 1.76.4.

30 Tac. *Agr.* 25.3; *Ann.* 3.19.2–3; 44; 14.58.3; *Hist.* 1.12.3; 4.50.1. Shatzman, "Tacitean rumours," 555–56.

31 Tac. *Agr.* 9.7–8. Shatzman, "Tacitean rumours," 553.

32 Tac. *Hist.* 2.50.2: "Vt conquirere fabulosa et fictis oblectare legentium animos procul grauitate coepti operis crediderim, ita uulgatis traditisque demere fidem non ausim."

33 Shatzman, "Tacitean rumours," 553–54.

an important influence on events.³⁴ This is reflected in his famous expression: “Nero had been driven from his throne by messages and rumours rather than by arms”.³⁵

This is certainly one of the reasons why our sources tend to link the appearance of a plebeian rumour (*i.e.* a rumour disseminated by the Plebs) with great political tension or a declared crisis³⁶ (a situation of scarcity or natural disaster,³⁷ or of important events: Germanicus’ death,³⁸ an attempt to usurp the state power,³⁹ a civil war situation)⁴⁰ or even of less important but alarming issues (an absence of the Princeps,⁴¹ an astronomical event interpreted as an omen).⁴² Similarly, under Tiberius’ reign, we note at least five rumours (not all explicitly “plebeian”) in the first book of the *Annals*, chapters 4 to 13,⁴³ dedicated to the accession of the new Princeps. This demonstrates how tense the situation was at the time of Augustus’ death. Indeed, a few of these rumours

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- 34 Shatzman, “Tacitean rumours,” 550, 554–56; Gibson, “Rumours,” Engel, “Tacite,” 328; Devillers, *Tacite*, 204–205 (with inventory of all relevant sections of the *Annals* and indication of previous bibliography on this point). For an analysis of the influence of rumours on political life in the republican period, see Rosillo-López, “‘Temo a los Troyanos’” and Pina Polo, “*Frigidus Rumor*”.
- 35 Tac. *Hist.* 1.89.2: “Nero nuntiis magis et rumoribus quam armis depulsus.”
- 36 Shatzman, “Tacitean rumours,” 553–54; Courier, *La plèbe*, 684. As part of a previous, related project, I have collected and organised material that can be freely accessed as part of an online database: <http://actoz.db.huma-num.fr/fmi/webd#>. The following references (ex: n° 148) to collective behaviour are those of the database, also published in Courier 2014.
- 37 For instance, Suet. *Aug.* 70.1–2 (reaction to the *rumor* of the “twelve-god” dinner: n° 148); D.C. 55.27.1 (because of unfavourable natural conditions and a context of scarcity, plebeians “openly discussed numerous plans for a revolution” in 6 CE: n° 193); Tac. *Ann.* 15.44; Suet. *Ner.* 38; D.C. 62.16–18 (the *rumor* pretended that Nero had been delighted by the great fire of 64 and had even ordered it; n° 257).
- 38 Tac. *Ann.* 2.82; 3.14; 4.54.1–5; Suet. *Tib.* 52; *Calig.* 6 (n° 207, 211, 218).
- 39 Tac. *Ann.* 2.39–40; Suet. *Tib.* 25; D.C. 57.16.3–4 (n° 200).
- 40 Plut. *Galb.* 26; Tac. *Hist.* 1.40.1–2; Suet. *Galb.* 20.8 (n° 270).
- 41 Suet. *Claud.* 12 (n° 200).
- 42 Tac. *Ann.* 11.11 (n° 241: the popular favour of the young Nero); 14.22 (n° 251) and 58 (n° 254): omens and rumours about the supposed conspiracy of Rubellius Plautus.
- 43 Shatzman, “Tacitean rumours,” 556; Devillers, *Tacite*, 194.

were about Agrippa Postumus,⁴⁴ Germanicus and Drusus II,⁴⁵ in other words about alternative options to the succession plan drawn up by Augustus.⁴⁶

Literary sources often blame the birth of rumours on the credulity of the urban masses, which is an intellectual process we find in the “psychopathologizing” theories of rumours:⁴⁷ Rumour was seen as a mark of the masses who, by nature and in times of crisis, spread false news simply by imitation and imagination, a kind of social disease and “collective psychosis”.⁴⁸ This approach reminds us of the “spasmodic view of popular history” once criticized by Thompson⁴⁹ and more recently rightly condemned by Magalhães de Oliveira.⁵⁰ Nevertheless, a close reading of our sources leads us to go beyond these stereotypes and helps us to find a form of intentionality on the part of the social actors involved in the rumour, which we should certainly conceive of as a communicational process.

For example, when the news spread that Otho had been saluted by the praetorian camp, a sense of panic ran through the Roman crowd, who were looking for shelter among the basilicas and temples of the Forum. Tacitus gives us a dramatic testimony:

44 Tac. *Ann.* 1.5.1–4: rumour of the reconciliation between Augustus and Agrippa Postumus. Cogitore, “Les rumeurs politiques,” 401–03.

45 Tac. *Ann.* 1.4.2. On this rumour, see Ries, “Gerücht,” 143–52 and Devillers, *Tacite*, 194.

46 Devillers, *Tacite*, 194.

47 For instance, Cogitore, “Les rumeurs publiques,” 404.

48 The “psychiatrization” of rumours has been theorized above all by the American sociology of the immediate post-World War II (see Gordon W. Allport, Leo J. Postman, *The Psychology of Rumor* (New York: H. Holt & Co., 1947)), perpetuated in France through the writings of Edgar Morin, *La rumeur d'Orléans* (Paris: Éd. du Seuil, 1969) and, more recently, Françoise Reumaux, *Toute la ville en parle. Esquisse d'une théorie des rumeurs* (Paris: L'Harmattan, 1994) and *La veuve noire. Message et transmission de la rumeur* (Paris: Klincksieck, 1995). The fiercest criticisms have come from Kapferer, *Rumeurs*, 19–22 and Aldrin, *Sociologie politique*, 40–47. See also Magalhães de Oliveira in this volume.

49 Edward P. Thompson, “The Moral Economy of the English Crowd in the Eighteenth Century,” *Past & Present* 50 (1971): 76: “According to this view the common people can scarcely be taken as historical agents before the French Revolution. Before this period they intrude occasionally and spasmodically upon the historical canvas, in periods of sudden social disturbance. These intrusions are compulsive, rather than self-conscious or self-activating: they are simple responses to economic stimuli. It is sufficient to mention a bad harvest or down-turn in trade, and all requirements of historical explanation are satisfied.”

50 Magalhães de Oliveira, *Potestas populi*, 18.

Neither the *populus* nor the Plebs uttered a word, but their faces showed their terror and they turned their ears to catch every sound; there was no uproar, no quiet, but such a silence as accompanies great fear and great anger.⁵¹

In this tense atmosphere, the population wonders: what is going to happen? What is Otho going to do? How will he react towards us? The masses pay attention to every sound (*conuersae ad omnia aures*), among which—one can certainly assume—are the rumours,⁵² in order to obtain news, as they were afraid for their lives and for their goods. The same situation occurs when Germanicus' sickness and death becomes known: all the city is looking for information, as Suetonius relates:

At Rome when the community (*ciuitas*),⁵³ in grief and consternation at the first report of his illness, was awaiting further news, and suddenly after nightfall a report at last spread abroad, on doubtful authority, that he had recovered, a general rush was made from every side to the Capitol with torches and victims, and the temple gates were all but torn off, that nothing might hinder them in their eagerness to pay their vows. Tiberius was roused from sleep by the cries of the rejoicing throng, who all united in singing: "*Salua Roma, salua patria, saluus est Germanicus.*" But when it was at last made known that he was no more, the public grief could be checked neither by consolation nor edict, and it continued even during the festal days of the month of December. The fame of the deceased and regret for his loss were increased by the horror of the times which followed, since all believed, and with good reason, that the cruelty of

51 Tac. *Hist.* 1.40.1 (transl. slightly modified): "Neque populi aut plebis ulla uox, sed attoniti uultus et conuersae ad omnia aures; non tumultus, non quies, quale magni metus et magnae irae silentium est."

52 This passage brings to mind another text of Tacitus (*Ann.* 2.38.4), in which the rumour is a whisper deadened by a general silence: "Haec atque talia, quamquam cum adsensu audita ab iis quibus omnia principum, honesta atque inhonesta, laudare mos est, plures per silentium aut occultum murmur exceperunt." In Plutarch's report of the same event (*Galb.* 26), the Plebs search for the porticoes and hills of the Forum after the beginning of Otho's intervention. On the two narratives, see Hardie, "Crowds and Leaders," 26.

53 With *ciuitas*, Suetonius wants to assign as large an audience as possible to the dissemination of the rumour, but the *concurus* that erupted shortly afterwards shifts the analysis toward the lowest classes. Engel, *Tacite*, 704.

Tiberius, which soon burst forth, had been held in check through his respect and awe for Germanicus.⁵⁴

We must also mention Tacitus' description of the same event. He clearly focuses the description and the dissemination of the rumour on the Plebs (*populus, uulgi*):

But at Rome, when the failure of Germanicus' health became current knowledge, and every circumstance was reported with the aggravations usual in news that has travelled far, all was grief and indignation. A storm of complaints burst out:—"So for this he had been relegated to the ends of earth; for this Piso had received a province; and this had been the drift of Augusta's colloquies with Plancina! It was the mere truth, as the elder men said of Drusus, that sons with democratic tempers were not pleasing to fathers on a throne; and both had been cut off for no other reason than because they designed to restore the age of freedom and take the Roman people into a partnership of equal rights." The announcement of his death inflamed this popular gossip (*uulgi sermones*) to such a degree that before any edict of the magistrates, before any resolution of the Senate civic life was suspended, the courts deserted, houses closed. It was a town of sights and silences, with none of the studied advertisements of sorrow; and, while there was no abstention from the ordinary tokens of bereavement, the deeper mourning was carried at the heart. Accidentally, a party of merchants, who had left Syria while Germanicus was yet alive, brought a more cheerful account of his condition. It was instantly believed and instantly disseminated. No man met another without proclaiming his unauthenticated news; and by him it was passed to more, with supplements dictated by his joy. Crowds were running in the streets and forcing temple-doors. Credulity throve—it was night, and affirmation is boldest in the dark. Nor did Tiberius check the fictions, but

54 Suet. *Calig.* 6: "Romae quidem, cum ad primam famam ualitudinis attonita et maesta ciuitas sequentis nuntios opperiretur, et repente iam uesperis incertis auctoribus conualuisse tandem percerebrisset, passim cum luminibus et uictimis in Capitolium concursus est ac paene reuolsae templi fores, ne quid gestientis uota reddere moraretur, expergefactus e somno Tiberius gratulantium uocibus atque undique concinentium: "salua Roma, salua patria, saluus est Germanicus". Et ut demum fato functum palam factum est, non solaciis ullis, non edictis inhiberi luctus publicus potuit durauitque etiam per festos Decembris mensis dies. Auxit gloriam desideriumque defuncti et atrocitas insequentium temporum, cunctis nec temere opinantibus reuerentia eius ac metu repressam Tiberi saeuitiam, quae mox eruperit."

left them to die out with the passage of time; and the *populus* mourned with added bitterness for what seemed a second bereavement.⁵⁵

Rumours came thick and fast until the Plebs got some explanation: this is why Germanicus has been kept away (step 1); this is why Piso was given charge of the province (step 2); the secret meetings of Livia and Plancina were meant to achieve this goal (step 3); at last, the accusation becomes political: Germanicus wanted to restore *libertas* (step 4).⁵⁶ In this passage, rumour appears as a common and collective intellectual work coming from a group, in order to obtain a (supposedly) correct interpretation of the event.⁵⁷ It is at the same time a process of dispersion and a means by which to interpret and comment upon a situation.⁵⁸ Thus, the rumour serves to make sense of an unexplained event, at a time when not enough information is available.⁵⁹ Admittedly, in such an elaborated text, it is difficult to draw a line between history and what can be

55 Tac. *Ann.* 2.82 (transl. slightly modified): "At Romae, postquam Germanici uoletudo percubuit cunctaque ut ex longinquo aucta in deterius adferebantur, dolor ira, et erumpabant questus. Ideo nimirum in extremas terras relegatum, ideo Pisoni permissam prouinciam; hoc egisse secretos Augustae cum Plancina sermones. Vera prorsus de Druso seniores locutos: displicere regnantibus ciuilia filiorum ingenia, neque ob aliud interceptos, quam quia populum Romanum aequo iure complecti reddita libertate agitauerint. Hos uulgi sermones audita mors adeo incendit, ut ante edictum magistratuum, ante senatus consultum sumpto iustitio desererentur fora, clauderentur domus. Passim silentia et gemitus, nihil compositum in ostentationem; et quamquam neque insignibus lugentium absterent, altius animis maerebant. Forte negotiatores, uiuente adhuc Germanico Suria egressi laetiora de uoletudine eius attulere. Statim credita, statim uulgata sunt: ut quisque obuius, quamuis leuiter audita in alios atque illi in plures cumulata gaudio transferunt. Cursant per urbem, moliuntur templorum foris; iuuat credulitatem nox et promptior inter tenebras adfirmatio. Nec obstitit falsis Tiberius, donec tempore ac spatio uanescerent: et populus quasi rursum ereptum acrius doluit."

56 On the significance of the restoration of the *libertas* supposedly desired by Germanicus, see Courrier, *La plèbe*, 630–31 and 727–28.

57 It plays a key role as a means of relaying information, especially in a pre-industrial society. See Rosillo-López, "Temo a los Troyanos," 117.

58 Aldrin, "Penser la rumeur," 131 and *Sociologie politique*, 31: the objective account doesn't exist, "la rumeur donne l'occasion d'énoncer un avis". See *infra*.

59 Aldrin, "Penser la rumeur," 127 and *Sociologie politique*, 50, 61, 125. But see Tac. *Ann.* 3.19.2: "Is finis fuit ulciscenda Germanici morte, non modo apud illos homines qui tum agebant, etiam secutis temporibus uario rumore iactata. Adeo maxima quaeque ambigua sunt, dum alii quoque modo audita pro compertis habent, alii uera in contrarium uertunt et gliscit utrumque posteritate." Or Tac. *Hist.* 1. 35. 1: "nemo scire et omnes adfirmare," analysed by Direz, "Le pouvoir de la rumeur," 422. More generally, see Shatzman, "Tacitean rumours," 555.

considered as literary or rhetorical construction. For instance, the mention of Plancina could well constitute a trace of Tacitus' composition based on the *Senatus Consultum de Cn. Pisone Patre*.⁶⁰ From this point of view, one can assume that the constitution of the rumour was probably less linear, even if the text remains reflective of the way in which a rumour could arise and spread. However, it is also possible to think that the reconstruction does not go as far as to its actual invention, since the rumours were followed by several episodes of riot, and this could be a good criterion to distinguish rumours that were actually disseminated by the Plebs (see part 3). Thus, the literary sources certainly do not artificially ascribe intentionality to the Plebs, and rumour is neither pure "anomia" nor only literary composition. On the contrary, it is, to quote—in another context—Chartier, some "social knowledge fed by actuality".⁶¹ Herein lies the main idea of the "interactionist" approach: rumour is a form of deliberation in which every social actor plays a part, not because it is a "natural" reaction, but because of personal reasons, determined by an individual's own experience.⁶² This is why it is essential to pay attention to what sociologists

60 CIL II², 5, 900 = AE 1996, 885 = ed. David S. Potter, transl. Cynthia Damon, *The American Journal of Philology* 120 (1999), 13–42, l. 109–120: " ... that, as far as the case of Plancina was concerned, against whom numerous weighty charges had been lodged, since she admitted that she placed all hope in the compassion of our *princeps* and of the Senate, and since our *princeps* has often and with marked attention requested of this order that the Senate, content with the punishment of the elder Cn. Piso, spare his wife as also his son Marcus, and interceded for Plancina at his mother's request, and received very just reasons, made to him by her, as to why his mother wanted to obtain these concessions, the Senate deemed that both Julia Augusta, who was most well deserving of the republic not only because she gave birth to our *princeps* but also because of her many and great kindness to men of every order—although she rightly and deservedly should have the greatest influence in what she requested from the Senate, she used it most sparingly—and the very great devotion of our *princeps* to his mother should be supported and indulged; and that it was <<the Senate's>> pleasure that the punishment of Plancina be remitted." See also Tac. *Ann.* 3.17.1. The contrast of languages has rightly been underlined by Anthony J. Woodman and Ronald H. Martin, *The Annals of Tacitus. Book 3 edited with a commentary* (Cambridge: Cambridge University Press, 1996), 14–16, 112 and 178–186. The comparison between Tacitus' version of the trial of Cn. Calpurnius Piso senior and the *Senatus Consultum de Cn. Pisone Patre* has generated an enormous quantity of bibliography. Most recently, see Miriam T. Griffin, "Tacitus as a historian," in *The Cambridge Companion to Tacitus*, ed. Anthony J. Woodman (Cambridge: CUP, 2009), 177–180 and 183. Many thanks to H. Van der Blom for drawing my attention to this point.

61 Roger Chartier, *Culture écrite et société. L'ordre des livres (XIV^e–XVIII^e s.)* (Paris: Albin Michel, 1996), 163 dealt with comedy. Quoted by Aldrin, *Sociologie politique*, 33.

62 Aldrin, *Sociologie politique*, 46.

call the “social economy” of rumours, *i.e.* “aux mises en relations sociales qui encadrent leur apparition et les termes de leur échange”.⁶³ I shall now analyse the plebeian actors involved in the birth and spreading of rumours.

6.2 Rumours and Ordinary Plebeian Social Practices

This problem is difficult to approach because the sources rarely give us a clear context for the rumour, nor do they identify the social actors who spread the word. Nevertheless, despite the stereotypical nature of the texts, a few passages give important information about the phenomenon of rumours. According to Horace, a pithy story was familiar “to every bleary-eyed man and barber”.⁶⁴ For Juvenal, if something happened during the night in the neighbourhood (to a rich resident), it “will be known before dawn to the local barman”.⁶⁵ The *tonsor* and the *caupo*, both *tabernarii* in the widest “professional” sense of the word,⁶⁶ are recurrent characters in the spreading of rumours. From this point of view, the stereotype that makes the *tabernae* the main meeting place of “nouvel-listes” is very interesting. Likewise, the *compita* were not only places in which to make sacrifices. For example, Horace explains how *rumor* of the Dacian threat affected Rome in 30 BC and spread “from the Rostra through the *compita*”.⁶⁷ A great deal should be (and has been) said about the topographical network of rumours and their diffusion from the Forum to the City (even if I do not believe

63 Aldrin, *Sociologie politique*, 26.

64 Hor. Sat. 1.7.1–4: *omnibus et lippis notum et tonsoribus esse*. See also Plut. *Sull.* 14.1–2; *Caes.* 49.3–4; and *De Garr.* 7 (*Mor.* 505a–b).

65 Juv. 9.108: *proximus ante diem caupo sciet*. We can reasonably extend the notice to the whole neighbourhood, beyond the case of the rich *dominus* (even if Juvenal accuses the slaves of the *familia* to be the source of gossiping).

66 To quote Claire Holleran, *Shopping in Ancient Rome. The Retail Trade in the Late Republic and the Principate* (Oxford: Oxford University Press, 2012), 117: “... the *taberna* appears in our literary sources as a flexible space that could be used for practically any purpose that its owner or tenant desired. The *taberna* may be primarily a commercial space, but could be used to house any number of ventures, from retail shops, to the provision of services by people such of doctors and barbers, to workshops housing small-scale manufacturing, to bars and inns, storage units, and even offices. The *taberna* could also play a domestic role, either in conjunction with commerce, or solely as a residential unit.” See also Nicolas Monteix, *Les lieux de métier. Boutiques et ateliers d'Herculanum* (Rome: École française de Rome, 2010).

67 Hor. Sat. 2.6.50–58: “Frigidus a Rostris manat per compita rumor: / quicumque obuius est me consulit: ‘O bone (nam te / scire, deos quoniam proprius contingis, oportet), / numquid de Dacis audisti?—Nil equidem.—Vt tu / semper eris derisor!’”

that the Forum was the unique epicentre),⁶⁸ but these passages clearly reveal that rumour spread in places that were occupied daily by the same people, spots where people stood and talked, waiting for news. This situation is no coincidence. For a long time, sociology has insisted that sharing news is always about sociability.⁶⁹ While sharing information, interlocutors shared at the same time their social and political values, identity and memory and the more close-knit a group was, structured and bonded by an efficient network, the easier it was to know and inform every one of its members.⁷⁰ In other words, if each member of a community received the same news within a very short time, it is precisely because such a community already existed.

In our texts, another important location emerges as crucial for the spreading of rumours: the *circuli*, *coronae* or *coetus*.⁷¹ These terms referred to informal gatherings, already known under the Republic and criticized by senators for a very simple reason, rightly emphasized by O'Neill: they were outside aristocratic control.⁷² Seneca the Philosopher offers a valuable testimony on this urban practice:

Toil summons the best men. The Senate is often kept in session the whole day long, though all the while every worthless fellow is either amusing himself at the *Campus*, or lurking in an eating-house, or wasting his time in some gathering.⁷³

68 Among many others, see Laurence, "Rumour and Communication," 63; Pina Polo, "*Frigidus Rumor*," 78–79 (esp. about Cic. *Fam.* 8.1.4: the rumours spread by *susurratores* and *subrostrani*); Cyril Courier and Jean-Pierre Guilhembet, "La stérilisation du cœur de l'*Urbs* (1^{er} s. av. J.-C.–1^{er} s. ap. J.-C.): habiter et manifester au Forum," *Dossiers d'Archéologie* 352 (2012): 74–77; Courier, *La plèbe*, 537–40.

69 Most recently, see Aldrin, *Sociologie politique*, 51.

70 Kapferer, *Rumeurs*, 73.

71 These three words have been studied exhaustively by Claude Nicolet, "Le temple des Nymphes et les distributions frumentaires à l'époque républicaine d'après des découvertes récentes," *Comptes Rendus de l'Académie des Inscriptions et Belles Lettres* 120 (1976), 49–50; Catherine Virlouvet, *Tessera frumentaria. Les procédures de distribution du blé public à Rome à la fin de la République et au début de l'Empire* (Rome: École française de Rome, 1995), 45, n. 55; Peter O'Neill, "Going Round in Circles: Popular Speech in Ancient Rome," *Classical Antiquity* 22 (2003): 135–76; Courier, *La plèbe*, 533–46.

72 O'Neill, "Going Round in Circles," 139–45.

73 Sen. *Prov.* 5.4: "Labor optimos citat. Senatus per totum diem saepe consulitur, cum illo tempore uilissimus quisque aut in campo otium suum oblectet aut in popina lateat aut tempus in aliquo circulo terat."

Admittedly, this stereotype-laden passage leads us to think that, *stricto sensu*, *circuli* were different from *popinae*. Nonetheless, the association of these terms shows that the social realities with which Seneca was dealing were more or less the same: the same persons spent time in these places of sociability, and *circuli* could be created in (or outside) the *tabernae*. The very frequent combination of *circuli* and words such as *uulgus* and *populus* only confirms this reading.⁷⁴ Other areas, such as public baths, certainly played the same kind of role, as the *Satyricon*, in which *circulus* is explicitly associated with *balnea*, reminds us.⁷⁵ Likewise, the rite of *salutatio* made the *uestibula* and *atria* of a *domus* a gathering place. The *atria* were privileged locations for political discussion and the spreading of information, at least for those plebeians who were part of a patronage network and could spread the patron's opinion to (or hold discussions with)⁷⁶ their own acquaintances.⁷⁷ From this point of view, it is clear that communication had a major part to play in the system (even if we would need to discuss the extension of *clientelae* in the Imperial period)⁷⁸ and, as part of this process, rumour was a crucial piece of the phenomenon of *circuli*.

It is quite logical, therefore, to see *circuli* linked frequently in our sources to the spreading of rumours.⁷⁹ The contempt of ancient sources towards this particular form of spreading the news must not obscure its central position in

74 Courrier, *La plèbe*, 533–34: inventory of the sources, including Porph. *Hor. Sat.* 1.6.114: “porro autem altiores dignitatis homines erubescunt fere in his uulgi circulis stare, quod tamen sibi licere facere Horatius dicit per uitae libertatem, in qua non esset si in senatoria dignitate constitutus esset.”

75 Petron. *Sat.* 27: just before dining with Trimalchio, the heroes are at the baths, where they go around in little *circuli*. If the context is not political (they are exchanging jokes), the combination is very revealing. On the baths as source of sociability for the Plebs, see Garrett G. Fagan, *Bathing in Public in the Roman World* (Ann Arbor: The Univ. of Michigan Press, 1999): 12–39. For the political discussions at the Baths, see Ménard, *Maintenir l'ordre*, 27–28: “Il ne faut pas sous-estimer l'importance des bains dans la sociabilité urbaine: c'est l'endroit où l'on rencontre quotidiennement ses amis, où l'on partage informations et opinions”. That is why under Augustus *vigiles* were assigned to the surveillance of the baths.

76 Because plebeians were not “passive containers”. Pina Polo, “*Frigidus Rumor*,” 80.

77 Laurence, “Rumour and Communication,” 64–65; Pina Polo, “*Frigidus Rumor*,” 79–80; Courrier, *La plèbe*, 538–39. In our sources, the *salutatio* is never associated with the word *circulus*, but we can assume that the informal gatherings born from discussions around news or rumours heard at the *salutatio* could well correspond to this social reality. On the *salutatio*, see most recently Fabian Goldbeck, *Salutationes: die Morgenbegrüßungen in Rom in der Republik und der frühen Kaiserzeit* (Berlin: Akademie Verlag, 2010).

78 See most recently Badel, “*Pars populi integra*”.

79 For instance, Liv. 7.12.4; 28.24–25; 34.37.1; Tac. *Ann.* 2.40.1; *Agr.* 43.1–2.

the oral culture of the *circulus*: a collective process of spreading, interpreting and commenting upon news. Thus, in the sociability of *circuli*, the concept of “rumour” does not apply so much to the origin or even to the content of the information, but to the process (the fact of commenting upon an event) and the *medium* (speech) of its spreading.⁸⁰

As we can see, rumours and sociability are strongly linked. News was shared and commented upon when the situation of “entre-soi” occurred.⁸¹ The reason is simple: social proximity and the feeling of homology tend to favour certainty. 1. Because we primarily share information with other members of the same group; 2. because the interest a rumour could arouse depends on common social values, which, according to a dialectical point of view (“them/us”),⁸² are reinforced by the exchange itself; 3. because believing a rumour often depends on social proximity with the person who tells it (most of the time, this person shares the same values as us and “le partage du préjugé vaut preuve”);⁸³ 4. because an objective report of a rumour does not exist;⁸⁴ 5. because the content of some rumours was sufficiently clear to be understood, the rumour can thus be seen as a collective laboratory in which opinion was cautiously shaped and discussed in detail. Such discussion constituted a sort of informal debate that ended with the acceptance, or otherwise, of the rumour. Yet, as described perfectly by Magalhães de Oliveira: “ces pratiques de communication qui permettent aux acteurs sociaux, dans leur vie quotidienne, de s’informer et d’échanger du lien social, sont (...) les mêmes qui leur permettent, dans les situations fortement tendues, de coordonner une action collective”.⁸⁵ We must therefore take rumours seriously,⁸⁶ and not consider them as Tacitus would do, as they reveal a great interest *in* (*i.e.* on the part of the Plebs) and *for* politics. They inform us about the collective action of expressed feelings, including fear, anger or even hatred. From this point of view, it is especially valuable when we are able to identify definite links between political conversations and collective actions, as we can see the extent to which rumours can mobilize their social actors.

80 Kapferer, *Rumeurs*, 22–23.

81 We already discussed at length the concept of plebeian “entre-soi”, see Courier, *La plèbe*, 127–91.

82 Aldrin, *Sociologie politique*, 61–72; Rosillo-López, “Temo a los Troyanos,” 129–33 and Larran, *Le Bruit qui vole*, 55.

83 Aldrin, *Sociologie politique*, 195.

84 See above, Aldrin, *Sociologie politique*, 31.

85 Magalhães de Oliveira, *Potestas populi*, 132. See also Courier, *La plèbe*, 684, n. 304, who arrived at the same findings independently.

86 Rosillo-López, “Temo a los Troyanos,” 116 and 119.

6.3 Rumours and the Politicization of the Plebs

In the years 14–16 CE, once word got around in Rome that Agrippa Postumus (or in fact, his former slave Clemens, who deliberately impersonated his patron, whose death had not yet been revealed)⁸⁷ was back from the island of Planasia, where he had lived in exile since 8 CE, the Plebs seized the rumour and promoted its dissemination through clandestine gatherings (*clandestini coetus*), which afterwards allowed an important mobilization of opposition, as we know from Tacitus:

Meanwhile, it was rumoured through Italy that Agrippa had been saved by the special grace of Heaven: at Rome the rumour was believed. Already huge crowds were greeting his arrival in Ostia, already there were clandestine meetings in the capital itself, when the dilemma began to distract Tiberius:—Should he call in the military to suppress one of his own slaves, or leave this bubble of credulity to vanish with the mere lapse of time? Tossed between shame and alarm, he reflected one moment that nothing was despicable; the next, that everything was formidable.⁸⁸

Why was this “news” believed? If a rumour is to be efficient, the desire to initiate it is not enough. It needs to grow on fertile ground and, ultimately, it does

87 On the plot of the false Agrippa Postumus, see Shatzman, “Tacitean rumours,” 561–63 and 575–76; Isabelle Cogitore, “*Mancipii unius audacia* (Tacite, *Annales*, II, 39, 1): le faux Agrippa Postumus face au pouvoir de Tibère,” *Revue des Études Latines* 68 (1990): 123–35 and *La légitimité dynastique d’Auguste à Néron à l’épreuve des conspirations* (Rome: École française de Rome, 2002), 178–81; Frédéric Hurlet, *Les collègues du prince sous Auguste et Tibère* (Rome: École française de Rome, 1997), 143–44; Arnaud Suspène, “Tiberius Claudianus contre Agrippa Postumus: autour de la dédicace du temple des Dioscures,” *Revue de Philologie, de littérature et d’histoire ancienne* 75 (2001): 99–124.

88 Tac. *Ann.* 2.40.1 (transl. slightly modified): “Vulgabatur interim per Italiam seruatum munere deum Agrippam, credebatur Romae; iamque Ostiam inuectum multitudo ingens, iam in urbe clandestini coetus celebrabant, cum Tiberium anceps cura distrahere, uine militum seruum suum coerceret an inanem credulitatem tempore ipso uanescere sineret: modo nihil spernendum, modo non omnia metuenda ambiguus pudoris ac metus reputabat.” In comparison to the accounts of Suetonius and Dio, the crisis seems more serious in Tacitus’ narrative. For Shatzman, “Tacitean rumours,” 576, n. 86, “the great proportion of the crisis is mainly due to Tacitus’ own handling of the episode.” Given the general context in which the riot breaks, I would not take this for granted. On the problems of *Quellenforschung* caused by this episode, see Cogitore, “*Mancipii unius audacia*,” 131.

not matter whether or not the rumour is actually true.⁸⁹ The process could happen either because people believed it to be true or because they believed *in the possibility* of the rumour being true, and considered it sufficiently important to make it a topic of conversation. As Aldrin noted, “la rumeur permet aux acteurs sociaux de renverser la signification d’un événement en renversant l’ordre des choses tel qu’il est pour lui substituer un ordre plus conforme aux certitudes et aux soupçons du groupe”.⁹⁰ By gossiping, actors adjust what they know, or what they think they know, to a political event. The well-known unpopularity of Tiberius (certainly not entirely invented by Tacitus)⁹¹ thus explains the considerable number of hostile rumours about him.⁹² The episode of the false Agrippa Postumus happened at precisely the moment when the legitimacy of the Princeps was unclear to the Plebs, a situation also demonstrated by the riot for the return of Lysippos’ Apoxyomenos, a statue Agrippa had erected in front of his baths and which Tiberius had transported to the *cubiculum* of the palace.⁹³ In the theatre, the Plebs called for its return until Tiberius acceded to their demand. The popular reaction is explained by their remembrance of the donation once made by Agrippa of his baths, and by his past action as one of Augustus’ *aediles*. He had therefore remained very popular in the collective plebeian imagination, a state that was transferred to his sons.⁹⁴ Conversely,

89 According to Tacitus, the rumour had been initiated by Clemens’ straw men, among whom there were possibly senators and knights (Tac. *Ann.* 2.40.3) but *mox uago rumore apud inperitissimi cuiusque promptas auris aut rursum apud turbidos eoque noua cupientis* (Tac. *Ann.* 2.39.3). The rumour spread only because the Plebs seized upon it.

90 Aldrin, *Sociologie politique*, 71.

91 On the reasons for Tiberius’ unpopularity, see Yavetz, *Plebs and Princeps*, 23 and 106–12: “Just because the masses are not simply a passive group prepared to fight only for bread and amusements, they show loyalty to their benefactors while hating rulers who are estranged from them. (...) Thus far two reasons have been given for the people’s hatred of Tiberius: the emperor’s attitude towards amusements popular among the people and their preference for Germanicus over the *princeps*. There is, however, a third factor that should not be overlooked. Tiberius’ departure for Capreae was the last straw”. See also Flaig, *Den Kaisern herausfordern*, 86 and Courier, *La plèbe*, 674–80.

92 See above.

93 Cf. a long analysis to this episode, which occurs at the beginning of Tiberius’ reign (Plin. *HN* 34.62: *initia principatus*; n° 201) in Cyril Courier, “Le peuple de Rome et les *ornamenta* de la Ville: usages et normes. Le cas de la confiscation de l’Apoxyomène de Lysippe par Tibère (Plin., *HN*, 34.62),” in *La Norme sous la République et le Haut-Empire romains. Élaboration, diffusion et contournements*, ed. Tanja Itgenshorst and Philippe Le Doze (Bordeaux: Ausonius, 2017), 409–43.

94 D.C. 55.9 for Caius and Lucius Caesar; Tac. *Ann.* 2.39–40 and D.C. 57.16.3–4, for Agrippa Postumus. See Courier, *La plèbe*, 726–27. See also the enduring popularity of Julia, despite

because Tiberius was a member of the “Claudian” side of the *domus Augusta* and did not share the same blood as Augustus,⁹⁵ and also due to the enduring memory⁹⁶ of Augustus’ son-in-law, Agrippa, the Plebs were ready to challenge the succession plan drawn up by Augustus.

Likewise, when the rumour about Germanicus’ recovery spread, the acclamations *Salua Roma, salua patria, saluus est Germanicus* and the assimilation of his *salus* to the City’s fate itself are revealing of what the Plebs thought of the *Princeps* and his adoptive son. More broadly, the evolution of the rumour’s content (discussed in the first part of the paper)⁹⁷ during the year 19–20 CE appears to be inextricably linked to the commentaries made by the Plebs throughout the formation process of the rumour, until Tiberius is accused of being the instigator of the crime.⁹⁸ This is because the Plebs were so sure of this that, even after Piso’s trial,⁹⁹ it continued to call for the return of Germanicus.¹⁰⁰ In other words, the charge was not randomly laid: on the contrary, it was the result of a collective conscience, whose rumour acted as an indicator of opinions, values and attitudes. It was a kind of political speech in a public space,¹⁰¹ which revealed Tiberius’ unpopularity as much as Germanicus’ popularity.¹⁰²

The episode of the false Agrippa Postumus also shows how rumour could force the *Princeps* to take action (after an initial hesitation,¹⁰³ Clemens was discretely arrested and executed).¹⁰⁴ An imperial denial was impossible,

her condemnation to exile (Courrier, *La plèbe*, 860–61, n° 191). In the plebeian collective imagination, she was, along with Caius and Lucius, associated with Agrippa and not with Tiberius. See Frascchetti, *Rome et le prince*, 312–21.

95 For plebeians, Augustan blood was an important element of imperial legitimacy: see Cogitore, “*Mancipii unius audacia*,” 133–35 and Courrier, *La plèbe*, 690, n. 332 and 721–27.

96 On the concept of “plebeian memory,” see Courrier, *La plèbe*, 547–99.

97 Tac. *Ann.* 2.82.

98 Suet. *Tib.* 52: “Etiam causa mortis fuisse ei per Cn. Pisonem legatum Syriae creditur”; and Calig. 2: “Obiit autem, ut opinio fuit, fraude Tiberi, ministerio et opera Cn. Pisonis”. See also Tac. *Ann.* 2.43.3–4; 55.6. Shatzman, “Tacitean rumours”, 566.

99 If some credit is to be given to the succession of facts in Suet. *Tib.* 52.

100 Suet. *Tib.* 52: “Propter quae multifariam inscriptum et per noctes celeberrime adclamatum est: ‘Redde Germanicum!’”

101 Aldrin, “Penser la rumeur,” 139.

102 This popularity was as much linked to his ancestry (he was a *cognatus* of Augustus, see Hurlet, *Les collègues du Prince*, 486) as it was to his behaviour towards the Plebs (Courrier, *La plèbe*, 727–34). See, most recently, *Autour de Germanicus*, ed. Stéphane Benoist, *Cahiers du Centre Glotz* 24 (2013): 105–204 and Yann Rivière, *Germanicus : prince romain (15 av. J.-C.–19 apr. J.-C.)* (Paris: Perrin, 2016).

103 Tac. *Ann.* 2.40.1.

104 Tac. *Ann.* 2.40.2–3.

since Tiberius had to confess in public that he had had Agrippa put to death. Furthermore, as Tacitus said, *id praecipuum alimentum famae erat*.¹⁰⁵ So, in Rome as elsewhere, rumour could act as a counter-power, competing with the imperial authority (or the Senate) for the position of authoritative communication within the public space. However, rumours do not only show the popularity or unpopularity of a Princeps. They also constitute a valuable indicator of the relationships between the Plebs and other social groups, such as the Senate and the army.

The absence of Claudius from Rome at the beginning of his reign is an excellent example. More broadly, the *princeps*' journeys out of Rome raised fears and tensions within the plebeian sphere,¹⁰⁶ which partly explains why false rumours were so frequent. When Claudius went to Ostia, the rumour spread that he had been murdered. The plebs immediately looked for an explanation, and for the guilty party:

By such conduct he won so much love and devotion in a short time that, when it was reported that he had been waylaid and killed on a journey to Ostia, the people were horror stricken and with dreadful execrations continued to assail the soldiers as traitors, and the senate as parricides ...¹⁰⁷

In this case, rumour reveals a fear as much as it justifies it: the Emperor's absence is a problem for the Plebs. Why? The rumour itself provides the answer: to make soldiers and Senate scapegoats for this "non-event" reveals that conflict was present amongst the Plebs (as a whole), the Senate and the Roman army.¹⁰⁸ It is because of this situation of conflict that the rumour was born. If the event was not important, if the Plebs did not feel close to a *princeps* regarded as a keeper of its *securitas*,¹⁰⁹ and if the Plebs were not afraid of the Senate or the army, no rumour would have begun or been transmitted. It is precisely because, according to the urban masses, it was believable (that the Senate could have wanted to kill a popular emperor to harm the plebeians) that the Plebs forced the Roman authorities to react speedily: "... until finally

105 Tac. *Hist.* 2.96.2.

106 Yavetz, *Plebs and Princeps*, 125–26; Flaig, *Den Kaisern herausfordern*, 77; Courrier, *La plèbe*, 699.

107 Suet. *Claud.* 12 (transl. slightly modified): "Quare in breui spatio tantum amoris fauorisque collegit, ut cum profectum eum Ostiam perisse ex insidiis nuntiatum esset, magna consternatione populus et militem quasi proditorem et senatum quasi parricidam diris execrationibus incessere non ante destiterit ..."

108 Flaig, *Den Kaisern herausfordern*, 61.

109 See, here, the classic analyses of Yavetz, *Plebs and Princeps*, 125.

one or two men, and later several, were brought forward upon the Rostra by the magistrates and assured the people that Claudius was safe and on his way to the city".¹¹⁰

Here we begin to see that a "functional" definition of the rumour applies to the Plebs. When seizing information (wherever it came from), the Plebs made of rumour a collective action (or more precisely a communicational tool that enabled collective action) which took the shape of an unofficial speech that often contradicted the official line. It was a counter-power that revealed secrets, formed hypotheses and ultimately forced the authorities to provide information.¹¹¹ From this point of view, rumour constituted an element of the dialogue between the Plebs and the imperial power.

6.4 Conclusion

Modelled on the sociological reflections we applied to ancient Rome, the "interactionist" approach, based on the actor's intentionality, has allowed us to highlight the role and impact of rumours in the political communication of the Plebs during the imperial period. As conversations within close social relationships, rumours acted as a communication channel and a laboratory for developing collective opinions. At this stage, three questions need to be asked, if not answered, in this chapter: did the number of rumours increase during the imperial period? If so, why? If we grant social actors conscious intentions, is there not a risk of reification or manipulation?

The first question is difficult to answer, because a significant bias could exist in our sources. Nonetheless, we can suppose that rumours took a new shape along with the change in political regime. It became a political matter linked to the emperor's monopoly over political speeches in the *Urbs*, which could be bypassed by rumours. Information control in a monarchy is a major issue and rumour a challenge to absolutism.

Reification is a real danger, because the actors were not always aware of their participation in the process of spreading rumours. It is therefore crucial to distinguish (although it would require an entire chapter) between "spontaneous" uses of rumours (if such a term can be said to be appropriate) and "manipulated" ones.¹¹² Verbalizing and spreading revelations was sometimes intended to express opinions, but did not necessarily represent a deliberate

110 Suet. *Claud.* 12: "... quam unus atque alter et mox plures a magistratibus in Rostra producti saluum et appropinquare confirmarent."

111 This has been studied, for the Republican period, by Rosillo-López, "Temo a los Troyanos".

112 See Shatzman, "Tacitean rumours," 554–55, for a non-exhaustive list.

attempt to contest or to manipulate political power,¹¹³ as I recently tried to demonstrate on the subject of the “Neronian rumours”.¹¹⁴ It seems that every passage dealing with rumours needs to be analysed in the most detailed context possible if we are to avoid assigning to a social group intentions it did not have. We need to discern at least three elements that were almost always connected: (1) our sources, mostly Tacitus, tend to “rewrite” the events afterwards;¹¹⁵ (2) we must not forget the problem of the origin and manipulation of rumours (one of the problems that Magalhães de Oliveira discusses elsewhere in this volume); (3) let us keep in mind the fact that a rumour is not automatically a reliable reflection of the opinion of the whole Plebs.

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¹¹³ Aldrin, *Sociologie politique*, 131.

¹¹⁴ Courrier, *La plèbe*, 691–97 about Egon Flaig, “La fin de la popularité. Néron et la plèbe à la fin du règne,” in *Neronia VI. Rome à l’époque néronienne: institutions et vie politique, économie et société, vie intellectuelle, artistique et spirituelle*, ed. Jean-Michel Croisille and Yves Perrin (Bruxelles: Latomus, 2002), 361–74.

¹¹⁵ Shatzman, “Tacitean rumours,” 568: “Tacitus’ narrative is a confused account of various versions, personal comments and rumours”.

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The Emperor is Dead! Rumours, Protests, and Political Opportunities in Late Antiquity

Julio Cesar Magalhães de Oliveira

The universal presence of rumours that precede and accompany riots everywhere in the world and everywhere in history had for long led scholars to interpret the phenomenon as a sort of social disease. According to this view, rumours that circulate in times of crisis would be seen as a natural product of a “breakdown” of society, demonstrating the mental underdevelopment of individuals or the unconscious motives of a group.¹ Against this psycho-pathological paradigm, a number of historians and social scientists adopting a more interactive approach have emphasized that rumours are not the *cause* of collective violence, but only a practice of communication and social interaction available to a group.² As a product of collective deliberation, rumours, indeed, are a regular accompaniment to social life.³ Social agents only adapt this practice in moments of tension “to express a latent feeling, to share one’s opinions and to spontaneously reinterpret the disturbing situations or events.”⁴

* This paper is part of a comparative study on rumour and politics in the Late Roman Republic and the Later Empire. Part of this paper resulted from an address to a conference at Lisbon in 2014, which was sponsored by the São Paulo State Foundation (FAPESP, Process 2013/25425-4). In its final form, it was conceived for the conference at Seville in February 2015, which resulted in this book. I am grateful to Cristina Rosillo-López for the invitation that led to this chapter, and to Filipe Silva for his help and assistance. This paper is dedicated to the memory of Professor Claude Lepellet, a constant source of inspiration, who recently passed away.

1 See, among others, Gustave Le Bon, *La psychologie des foules* (Paris: PUF, 1895, reed. 2013); Lucien Lévy-Bruhl, *La mentalité primitive* (Paris: PUF, 1922, reed. 1963), and Serge Moscovici, *L’âge des foules: Un traité historique de psychologie des masses* (Paris: Fayard, 1981). On the “psychiatrization” of rumours, see Jean-Noël Kapferer, *Rumor: Uses, Interpretations, Images* (New Brunswick, NJ: Transaction Publishers, 2013), 9–11.

2 See, for example, Georges Lefebvre, *La Grande Peur de 1789* (Paris: Armand Colin, 1932, reed. 1988); Alain Corbin, *Le village des “cannibales”* (Paris: Aubier, 1990); Paul Brass, *The Production of the Hindu-Muslim Violence in Contemporary India* (Seattle and London: University of Washington Press, 2003), 359–64. See Philippe Aldrin, *Sociologie politique des rumeurs* (Paris: PUF, 2005), 73–81.

3 Tamotsu Shibutani, *Improvvised News: A Sociological Study of Rumor* (Indianapolis: The Bobbs-Merrill Co, 1966).

4 Aldrin, *Sociologie politique*, 80.

Rumours, in this sense, are a key to understanding the interpretive framework that protesters give to their action and to the “political opportunities” they perceive as available to them.

I use here the concept of “political opportunities” in the sense it is employed in the work of movement scholars and political process theorists to describe “those consistent—but not necessarily formal or permanent—dimensions of the political environment that provide incentives for people to undertake collective action by affecting their expectations for success or failure.”⁵ Charles Tilly first formulated this concept four decades ago to emphasize the extent to which power, repression (and facilitation), and opportunity (and threat) provide options for collective action.⁶ Scholars have therefore employed the concept in two different directions to describe either the more stable conditions affecting collective action, or the more volatile “windows of opportunity” that may encourage social actors to protest or join a social movement in a specific context.⁷ Despite the “structural bias” that has affected many of these formulations, “political opportunities” need not be seen as primarily objective conditions, regardless of the perception of individuals.⁸ In fact, quite the reverse is true, since, as Gamson and Meyer had put it, “an opportunity not recognized is no opportunity at all.”⁹ In this more cultural sense, therefore, the concept of “political opportunities” should not be dissociated from the wider processes of communication and interpretation underlying mobilization, of which rumours are an integral part.

The objective of this essay is to explore, in this light, the relationship between the spread of news of the death of an emperor and the irruption of riots in late antique cities. My aim is to understand how the urban plebs, the religious factions or their leaders perceived (and encouraged) the flow of official or unofficial news about the fate of the ruler as a “window of opportunity” and as a method of mobilizing an action.

5 Sidney Tarrow, *Power in Movement: Social Movements and Contentious Politics*, 2nd edn (Cambridge: Cambridge University Press, 1998), 85.

6 Charles Tilly, *From Mobilization to Revolution* (New York: McGraw-Hill, 1978), 98–142.

7 William Gamson and David Meyer, “Framing Political Opportunities,” in *Comparative Perspectives on Social Movement: Political Opportunities, Mobilizing Structures, and Cultural Framings*, ed. Doug McAdam, John McCarthy and Mayer Zald (Cambridge: Cambridge University Press, 1996), 279–90; Doug McAdam, “Conceptual Origins, Current Problems, Future Directions,” *ibid.*, 23–40. See Marco Giugni, “Political Opportunities: From Tilly to Tilly,” *Swiss Political Science Review* 15, 2 (2009): 361–68 for a recent review.

8 Jeff Goodwin and James M. Jasper, “Caught in a Winding, Snarling Vine: The Structural Bias of Political Process Theory,” *Sociological Forum* 14, 1 (1999): 27–54; Giugni, “Political Opportunities,” 364–5.

9 Gamson and Meyer, “Framing Political Opportunities,” 283.

Let us start by reminding the potential perils involved in the uncontrolled diffusion of political information in Late Antiquity.¹⁰ The Later Roman Empire was characterized by an unprecedented concentration of power in the person of the emperor and by the expansion of a large and well-organized bureaucracy.¹¹ Compared to the situation prevalent in the Early Empire, the imperial regime of Late Antiquity undoubtedly enhanced its ability “to collect, collate, and retrieve information, by the use of skilled personnel primarily dedicated to specialist administrative task”.¹² Yet even so, the vastness of the empire and the slowness of communications remained the most important challenges to imperial absolutism.¹³

This was especially true during political crises or at the accession of a new emperor, when the political allegiance of the provinces might not be taken for granted. After the death of the emperor Julian and the peace of Nisibis in 363, for instance, the newly elected emperor Jovian dispatched his emissaries from Ur, in Chaldea, with messages to all governors and military commanders to ensure their loyalty. According to the historian Ammianus Marcellinus, the messengers were charged “to secretly sound the sentiments of all of them, and to return speedily with their replies, in order that as soon as it was learned how matters stood in distant provinces, timely and careful plans might be made for safeguarding the imperial power.”¹⁴ The mission was accomplished in four months, that is, at the maximum speed available at the time through the *cursus publicus*. Yet even so, it was still too slow, since, as Ammianus wrote, “meanwhile rumour, the swiftest messenger of sad events, outstripping these messengers, flew through provinces and nations.”¹⁵

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- 10 On the general issue, see Claire Sotinel, “Information and Political Power,” in *A Companion to Late Antiquity*, ed. Philippe Rousseau (Oxford: Blackwell, 2009), 125–38.
 - 11 See Christopher Kelly, “Emperors, Government and Bureaucracy,” in *The Cambridge Ancient History, XIII: The Late Empire AD 337–425*, ed. Averil Cameron and Peter Garnsey (Cambridge: Cambridge University Press, 1998), 138–83, and Id. *Ruling the Later Roman Empire* (Cambridge, MA: Harvard University Press, 2004).
 - 12 Kelly, *Ruling*, 1.
 - 13 Peter Brown, *Power and Persuasion in Late Antiquity: Towards a Christian Empire* (Madison: Wisconsin University Press, 1992), 9–17; Kelly, “Emperors, Governors, and Bureaucracy,” 157–62; Kelly, *Ruling*, 114–17.
 - 14 Amm. Marc. 25.8.12, all translations by John C. Rolfe: “iussu est autem [...] prouinciarum militiaeque rectoribus insinuare noui principis scripta, omniumque sententiis occultis sciscitatis remeare uelociter cum responsis, ut conperto quid in longinquis agatur, principatus corroborandi matura consilia quaerantur et cauta.”
 - 15 Amm. Marc. 25.8.13: “Hos tabellarios fama praegrediens, index tristiorum casuum uelocissima, per prouincias uolitat et gentes [...]” For a more detailed reading of this passage, see Sotinel, “Information and Political Power,” 127.

To counteract this threat, emperors certainly tried to manipulate and control the flow of political information. During the blockade of Rome by the Gothic army of Alaric in 410, the Eastern emperor Theodosius II, for instance, published a law attempting to block all circulation of news between the western and the eastern parts of the empire.¹⁶ Later, after the death of the western emperor Honorius in 423, the same Theodosius II, now sole ruler, concealed the truth as long as possible in order to prevent any political insurrection in the West.¹⁷ Neither of these measures, however, could actually stop the spread of the more clandestine news. As the Greek historian Eunapius complained at another time of political crisis between the two parts of the empire, it was the very scarcity of official communication that encouraged the proliferation of commentaries and interpretations on any piece of available news:

During the time of Eutropius the eunuch [395–399] it was impossible to include in a history an accurate account of events in the West. For the length and duration of the sea-voyage made the reports late and useless because they were out of date, as if they had fallen into some chronic and long-drawn-out illness. Any travellers [variant: officials?] or soldiers with access to political information told the story as they wished, biased by friendship or hostility or a desire to please someone. And if you brought together three or four of them with conflicting versions as witnesses, there would be a great argument, which would proceed from passionate and heated interjections to a pitched battle. They would say: “Where did you get this from?” “Where did Stilicho see you?” “Would you have seen the eunuch?” so that it was quite a task to sort out the tangle. From the merchants there was no reasonable information, since they either told many lies or said what they wished to profit from.¹⁸

16 *Cod. Theod.* 7.16.2.

17 Socrates, *Hist. eccl.* 7.22.

18 Eunap. *Hist. fr.* 74M = 66.2B. I use the Greek text of Karl Otfried Müller, *Fragmenta Historicorum Graecorum*, vol. 4 (Paris: Ambrosio Firmin Didot, 1861), 46 and the English translation of Roger C. Blockley, *The Fragmentary Classicising Historians of the Later Roman Empire: Eunapius, Olympiodorus, Priscus, and Malchus*, vol. 1 (Liverpool: Francis Cairns, 1981), 74, with slight modifications suggested by Alan Cameron and Jacqueline Long, *Barbarians and Politics at the Court of Arcadius* (Berkeley and Los Angeles: University of California Press, 1993), 309: “Οτι κατὰ τοὺς χρόνους Εὐτροπίου τοῦ εὐνούχου τῶν μὲν περὶ τὴν ἐσπέραν οὐδὲν ἀκριβῶς γράφειν [ἐξήν] εἰς ἐξήγησιν. Τό τε γὰρ διάστημα τοῦ πλοῦ καὶ μήκος μακρὰς ἐποίει τὰς ἀγγελίας καὶ διεφθαρμένας ὑπὸ χρόνου, καθάπερ ἐς χρόνιον καὶ παρέλκουσάν τινα νόσον μεταβεβλημένας· οἱ τε πλανώμενοι [Blockley: παρττόμενοι = “officials” (?); MS: πλαττόμενοι] καὶ στρατευόμενοι εἰ μὲν τινες ἦσαν τῶν περὶ τὰ κοινὰ καὶ δυναμένων εἰδέναι,

There is little doubt about the difficulties of getting reliable information in times of crises. But this passage also shows how political information might become a matter of concern for various social actors, high and low the social scale. It also makes clear that each of the participants involved in the exchange of clandestine news did it for personal reasons and even partisan preoccupations. And there is little doubt that much of these concerns with the workings of high politics among the subjects of the empire stemmed from the expectations (or the fear) of the common people and of various interested parties that changes in imperial power would inevitably affect the political alignments, either in the imperial capitals or in the provincial towns and cities.

This was another consequence of the strong centralization of power at our period. Centralization weakened local sites of authority and empowered those known to enjoy imperial favour.¹⁹ Yet unpredictable shifts in imperial policy and the perpetual uncertainty about the strength of pressure groups at the court made a strict dependency on imperial support an unstable and ambiguous advantage. The same holds true for the religious groups and factions supported by the emperor. From the time of Constantine onwards, imperial intervention in Christian controversy implied that Christian sectarians on either side of a dispute “could hope for an enforceable decision in their favour when they appealed to the emperor’s arbitration.”²⁰ Once obtained the imperial intervention, the heavy-handed coercion by the state marked “the escalation of sectarian violence to levels of hyper-violence that did not exist before and after its deep reach” into local affairs.²¹ But given the changing agenda of emperors, members of opposed sides in a dispute should be attuned to the slightest move toward a possible change in the status quo in order to mobilize or to stop an anticipated action from the other side.²²

πρός χάριν καὶ ἀπέχθειαν καὶ τὰ καθ’ ἡδονὴν ἕκαστος κατὰ βούλησιν ἀπέστειλεν. Εἰ γοῦν τις αὐτῶν συνήγαγε τρεῖς ἢ τέσσαρας τάναντία λέγοντας ὥσπερ μάρτυρας, πολὺ τὸ παρκράτιον ἦν τῶν λόγων καὶ ὁ πόλεμος ἐν χερσίν, ἀρχὰς λαβὼν ἀπὸ ῥηματίων καὶ συγκεκαυμένων. Ταῦτα δὲ ἦν· «Σὺ πόθεν ταῦτα οἶδας; ποῦ δέ σε Στελίων εἶδε; σὺ δὲ τὸν εὐνοῦχον εἶδες ἄν;» ὥστε ἔργον ἦν διαλύειν τὰς συμπλοκάς. Τῶν δὲ ἐμπόρων οὐδὲ εἰς λόγον πλείονα ψευδομένων, ἢ ὅσα κερδαίνειν βούλονται [...].”

19 Kelly, “Emperors, Governors, and Bureaucracy,” 156.

20 Richard Lim, “Christian Triumph and Controversy,” in *Late Antiquity: A Guide to the Post-Classical World*, ed. Glenn W. Bowersock, Peter Brown, and Oleg Grabar (Cambridge, MA: Harvard University Press, 1999), 201.

21 Brent D. Shaw, *Sacred Violence: African Christians and Sectarian Hatred in the Age of Augustine* (Cambridge: Cambridge University Press, 2011), 542.

22 See Brass, *Production of Hindu-Muslim Violence*, 362, for a comparable situation in contemporary India.

It is therefore hardly surprising that the arrival of news of the death of an emperor might have created an atmosphere of tension in many localities. What remains to be explained, however, is in what conditions the spread of such kinds of news actually favoured the recourse of a group to collective violence. To understand the dynamics involved in these circumstances, it will help to consider in some detail two well-known examples of riots on the news of the death of an emperor in the second half of the fourth century.

The first episode I shall consider is the lynching of bishop George of Cappadocia and his associates by the rioting crowd of Alexandria in 361.²³ George was the bishop of the Arian minority community of Alexandria and the religious representative of the emperor Constantius II, having conducted with vigour his anti-pagan and anti-Homoeousian policies. He was also held responsible of unscrupulous enrichment and of having denounced various Alexandrians to the emperor.²⁴ With so many enemies in the city, he came to rely increasingly on the military force commanded by the *Dux* Artemius in order to maintain his position.

According to the Church historian Sozomen, it was “when the magistrates had announced to the public the decease of Constantius, and that Julian was sole ruler” that the pagans of Alexandria rose up in sedition. In his account, “they attacked George with shouts and reproaches as if they would kill him at once.” The authorities were able to rescue the bishop from the crowd and put him in detention waiting for a judgment. But less than a month after his imprisonment, the crowd again “rushed, early in the morning, to the prison, killed him, flung the corpse upon a camel, and after exposing it to every insult during the day, burnt it at nightfall.”²⁵ Ammianus, who also describes the incident, reduces the time between the capture of George and his killing and confounds the news of the death of Constantius with those of Artemius, but he confirms the general picture:

23 On the circumstances of the lynching of George, see Christopher Haas, *Alexandria in Late Antiquity: Topography and Social Conflict* (Baltimore: The Johns Hopkins University Press, 1999), 291–5; Johannes Hahn, *Gewalt und religiöser Konflikt. Studien zu den Auseinandersetzungen zwischen Christen, Heiden und Juden im Osten des römischen Reiches (von Konstantin bis Theodosius II)* (Berlin: Akademie Verlag, 2004), 66–77.

24 Amm. Marc. 22.11.5–6.

25 Sozom. *Hist. eccl.* 5.7.2–4. I use the Greek text of J. Bidez and G.C. Hansen, SC 495, 123–5, and the English translation of Chester D. Hartranft, *Nicene and Post-Nicene Fathers, Second Series, Volume 2, Socrates, Sozomenus: Church Histories*, ed. Philip Schaff and Henry Wace (Peabody, Mass.: Hendrickson Publishers, 1890, reed. 2004), 331.

On the sudden arrival of the glad news that told of the death of Artemius, all the populace, transported by this unlooked-for joy, grinding their teeth and uttering fearful outcries, made for George and seized him, maltreating him in divers ways and trampling upon him. And with him Dracontius, the superintendent of the mint, and one Diodorus, who had the honorary rank of count, were dragged about with ropes fastened to their legs and both killed; the former, because he overthrew an altar, newly set up in the mint, of which he had charge; the other, because, while overseer of the building of a church, he arbitrarily cut off the curls of some boys, thinking that this also was a fashion belonging to the pagan worship. Not content with this, the inhuman mob loaded the mutilated bodies of the slain men upon camels and carried them to the shore; there they burned them on a fire and threw the ashes into the sea, fearing (as they shouted) that their relics might be collected and a church built for them, as for others who, when urged to abandon their religion, endured terrible tortures, even going so far as to meet a glorious death with unsullied faith; whence they are now called martyrs. And these wretched men who were dragged off to cruel torture might have been protected by the aid of the Christians, were it not that all men without distinction burned with hatred for George.²⁶

The steps that led to violence in Alexandria began, therefore, with the public announcement of recent news before a crowd of onlookers, perhaps in the theatre or at the agora of the city. On both accounts, the opportunity for the lynching of George and his associates was dictated by the perception of the individuals in the crowd that the political alignments between the power-holders in Alexandria and at the imperial court had definitely changed. Indeed, it is not

26 Amm. Marc. 22.11.8–10: “Ecce autem repente perlato laetabili nuntio indicante extinctum Artemium, plebs omnis elata gaudio insperato, uocibus horrendis infrendens Georgium petit raptumque diuersis mulcandi generibus proterens et conculcans diuaticis pedibus. Cumque eo Dracontius monetae praepositus et Diodorus quidam, ueluti comes, iniectis per crura funibus simul exanimati sunt; ille quod aram in moneta quam regebat, recens locatam euertit; alter quod dum aedificandae praeesset ecclesiae, cirros puorum licentious detondebat, id quoque ad deorum cultum existimans pertinere. Quo non contenta multitudo inmanis dilaniata cadauera peremptorum camelis inposita uexit ad litus isdemque subdito igne crematis cineres proiecit in mare id metuens, ut clamabat, ne collectis supremis aedes illis exstruerentur ut reliquis, qui deuiare a religione compulsi pertulere cruciabiles poenas, ad usque gloriosam mortem intemerata fide progressi, et nunc martyres appellantur. Poterantque miserandi homines ad crudele supplicium ducti christianorum adiumento defendi, ni Georgii odio omnes indiscrete flagrabant.”

impossible that the official proclamation might have been accompanied by the first news (formal or informal) of the general purges that marked the arrival of Julian on the throne. According to the narrative of Ammianus, several of the leading advisors of Constantius and court attendants were expelled from the palace at Constantinople: some were exiled, others even burned alive.²⁷

In the extract quoted above, Ammianus describes the joy with which such news were subsequently commented among the populace as a means of mobilizing an action. But it is Sozomen who stressed better the readiness of the crowd to act as an extra-legal enforcer and surrogate for the authorities. In fact, the assault on the prison occurred only when the crowd perceived that the authorities at Alexandria were unable to grant the execution of the prisoners. What follows might be described as a ritual of communal participation in the public humiliation of a public enemy. It was indeed a performance that is reminiscent of the official *damnatio* and that would be repeated in other famous killings in Alexandria (such as the murders of Hypatia, in 415, and the bishop Proterius, in 457).²⁸ Although the Christian rivals of George, the partisans of the Nicene bishop Athanasius, were rumoured to have taken part in the riot,²⁹ it resorts from all our sources, Christian and non-Christian alike, that the rioting crowd in Alexandria was mainly composed of pagans. This explains why two imperial officials also became a target of their wrath, since both had participated in the implementation of anti-pagan measures.³⁰ But as Ammianus told us, it is also clear that the Alexandrian rioters counted at least with the passive support of Christians, who had also suffered from the bishop's mischiefs.

As we can see, the killing of George and his associates was not a "breakdown" of social order, but the expression of a reasonable discontent, manifested in

27 Amm. Marc. 22.3–4. On the rise of Julian and the purges at the court, see John Matthews, *The Roman Empire of Ammianus Marcellinus* (Baltimore: The Johns Hopkins University Press, 1989), 92–3.

28 On the murder of Hypatia, see Dam. *Isid.* fr. 105; Socrates, *Hist. eccl.* 7.15; John of Nikiu, *Chron.* 84.87–103. See also Haas, *Alexandria*, 295–316 and Edward Watts, "The Murder of Hypatia: Acceptable or Unacceptable Violence?" in *Violence in Late Antiquity: Perceptions and Practices*, ed. H.A. Drake (Aldershot: Ashgate, 2006), 333–42. On the death of Proterius, see Evagrius Scholasticus, *Hist. eccl.* 2.8. On the ritualized nature of crowd participation in the execution and public humiliation of outcasts and criminals, see Haas, *Alexandria*, 87–90, Wilfried Nippel, *Public Order in Ancient Rome* (Cambridge: Cambridge University Press, 1995), 42–6, and Peter Stewart, "The Destruction of Statues in Late Antiquity," in *Constructing Identities in Late Antiquity*, ed. Richard Miles (London and New York: Routledge, 1999), 161–9.

29 Sozom. *Hist. eccl.* 5.7.4.

30 Amm. Marc. 22.11.8.

a well-known repertoire of action and rooted in long-term political relations. The spread of news of the death of the emperor and, possibly, of the political purges at the court was no more, therefore, than a sign that encouraged the adversaries of the bishop to undertake their action by altering their expectations of success and their sense of urgency. In this particular example the evaluation of the political environment was, indeed, unambiguous, based as it was not only on informal reports, but also on official news proclaimed by the magistrates. But in other occasions, the political situation might have been far less clear, forcing political actors to undertake a more tentative evaluation.

This is what happened in our second episode, the burning down of the house of Nectarius, the Nicene bishop of Constantinople, by his Arian rivals in 388. During the reign of Valens (364–378), it was the Homoean Arians who had been in a preeminent position in the imperial capital. Patronized by the emperor, they controlled almost every urban church. The Nicene Christians, by contrast, were but a tiny and beleaguered minority. This balance of powers began to change in 379 with the accession to the throne of Theodosius, a fierce partisan of Nicaea. In November 380, Theodosius cast out of Constantinople the Arian bishop Demophilus and himself escorted Demophilus's opponent Gregory of Nazianzus as the sole orthodox bishop of the capital. The urban churches were restored to the Nicene Christians and the Homoeans were forced to hold their meetings outside the city walls. The next year, Theodosius appointed Nectarius, a rich senator resident in Constantinople, as the new bishop of the capital. Finally, the triumph of the Nicene faith in the Council of Constantinople seemed to consolidate the situation.³¹

Yet a few years later, Theodosius embarked in a war in the West against his former colleague and now rival Maximus. The outcome of the civil war was so uncertain that in 388 the Arians of Constantinople began to believe that the balance of power would hang back to their side. We know the rumours that therefore began to circulate in the capital from a passage of the *Ecclesiastical History* of Socrates of Constantinople that it is worth quoting in full:

At the time when the emperor was thus occupied on his military expedition, the Arians excited a great tumult at Constantinople by such devices as these. Men are fond of fabricating statements respecting matters about which they are in ignorance; and if at any time they are

31 R.P.C. Hanson, *The Search for the Christian Doctrine of God: The Arian Controversy*, 318–381 (London and New York: T&T Clark, 1988) 791–823; R. Malcolm Errington, *Roman Imperial Policy from Julian to Theodosius* (Chapel Hill: The University of North Carolina Press, 2006), 220–8.

given occasion they swell to a prodigious extent rumours concerning what they wish, being ever fond of change. This was strongly exemplified at Constantinople on the present occasion: for each invented news concerning the war which was carrying on at a distance, according to his own caprice, always presuming upon the most disastrous results; and before the contest had yet commenced, they spoke of transactions in reference to it, of which they knew nothing, with as much assurance as if they had been spectators on the very scene of action. Thus it was confidently affirmed that “the usurper had defeated the emperor’s army,” even the number of men slain on both sides being specified; and that “the emperor himself had nearly fallen into the usurper’s hands.” Then the Arians, who had been excessively exasperated by those being put in possession of the churches within the city who had previously been the objects of their persecution, began to augment these rumours by additions of their own. But since the currency of such stories with increasing exaggeration, in time made even the farmers themselves believe them—for those who had circulated them from hearsay, affirmed to the authors of these falsehoods, that the accounts they had received from them had been fully corroborated elsewhere; then indeed the Arians were emboldened to commit acts of violence, and among other outrages, to set fire to the house of Nectarius the bishop. This was done in the second consulate of Theodosius Augustus, which he bore with Cynegius.³²

32 Socrates, *Hist. eccl.* 5.13.2–6. I use the Greek text of G.C. Hansen (ed.), *Sokrates Kirchengeschichte*, Die Griechischen Christlichen Schriftsteller n.F.1 (Berlin: Akademie Verlag, 1995), 287–88, and the English translation of A.C. Zenos in *Nicene and Post-Nicene Fathers*, 125: “Ὑπὸ δὲ τὸν αὐτὸν χρόνον, καθ’ ὃν ὁ βασιλεὺς τῷ πολέμῳ ἐσχόλαζεν, καὶ οἱ ἐν Κωνσταντινουπόλει Ἀρειανοὶ ταραχὴν κεκινήκασιν δι’ ἐπινοίας τοιάσδε. Φιλοῦσιν οἱ ἄνθρωποι λόγους πλάττειν περὶ ὧν οὐκ ἐπίστανται· εἰ δὲ καὶ ποτε προφάσεως ἐπιλάβωνται, μείζονας τὰς περὶ ὧν βουλευόνται φήμας ἐξάπτουσιν, νεωτέρων αἰεὶ ὀρεγόμενοι πραγμάτων. Τοῦτο δὴ καὶ τότε κατὰ τὴν πόλιν ἐγένετο· ἄλλος γὰρ ἄλλο περὶ τοῦ μακρὰν γενομένου πολέμου πλάττοντες διεφήμιζον, αἰεὶ ἐπὶ τὸ χεῖρον τὴν ἐλπίδα λαμβάνοντες. Καὶ μηδενὸς ἐπιγινόμενου κατὰ τὸν πόλεμον αὐτοὶ ὡς τὰ κατ’ αὐτὸν ἱστορήσαντες περὶ ὧν οὐκ ᾔδεισαν ἔλεγον, ὡς «ὁ τύραννος ἐπικρατέστερος εἴη τῆς βασιλέως δυνάμεως· καὶ ὅτι τόσοι καὶ τόσοι κατὰ τὴν μάχην πεπτώκασιν· καὶ ὅτι ὁ βασιλεὺς ὅσον οὐδέπω τῷ τυράννῳ ὑποχείριος γίνεται.» Τότε δὲ καὶ οἱ Ἀρειανίζοντες ἐκ πάθους κινούμενοι (σφόδρα γὰρ ἠνίκαντο, ὅτι τῶν ἔνδον ἐκκλησιῶν ἐκράτουν οἱ παρ’ αὐτῶν πρότερον διωκόμενοι) τὰς φήμας πολλαπλασίους εἰργάζοντο. Ἐπεὶ δὲ ἑτέρα τινα τῶν λεγομένων αὐτοὺς τοὺς πεπλακώτας αὐτὰ εἰς πίστιν ἤγεν οὐχ ὡς πεπλασμένων, ἀλλ’ ὡς ἀληθῶς γενομένων ὧν ἔπλασαν (οἱ γὰρ ἄκοη παραλαβόντες διεβεβαίουντο πρὸς τοὺς λογοποιούντας μὴ ἄλλως ἔχειν ἢ ὡς παρ’ αὐτῶν ἀκηκόασιν), τότε δὴ ἀναθαρρήσαντες οἱ Ἀρειανίζοντες εἰς ἄλογον χωροῦσιν ὁρμὴν, καὶ τὴν οἰκίαν τοῦ ἐπισκόπου Νεκταρίου πῦρ ἐμβάλοντες ἀνήλωσαν. Τοῦτο μὲν δὴ τοιοῦτον ἐγένετο κατὰ τὴν ὑπατείαν Θεοδοσίου τὸ δεῦτερον καὶ Κυνηγίου.”

Through the heavy moralizing of this passage, it is still possible to see some of the basic mechanisms underlying the production and dissemination of rumours at the beginning of a riot. As we have seen, in terms of their dynamics, rumours can be defined as a kind of “improvised news,” the result from a process of collective deliberation.³³ A rumour often arises as an attempt to give meaning to an unexplained fact or an ambiguous situation. This is especially the case in circumstances where the demand for news is unsatisfied by the usual channels of information.³⁴ Rumours may be spontaneous or fabricated by leaders and politicians, but the extent of their diffusion always depends on the interest of the public and the conviction they generate.³⁵ As Marc Bloch observed from his personal experience in World War I, if rumours or even “false news” are accepted it is because they fulfil a need or a belief among a people.³⁶

During the civil war between Theodosius and Maximus, it was the persistent lack of official information and the distance from the battlefield that enabled the flow of alternative, clandestine news in Constantinople. At a time when even an embassy sent to Rome from Alexandria is said to have ported letters to both the competitors, in doubt about whichever emperor would be proved victorious,³⁷ it is understandable that rumours about the war gained such a wide currency in Constantinople. The leaders of the Arian party may have initiated or further elaborated the rumour that Theodosius had been defeated as part of a deliberate campaign to gain support. But if the rumour got currency it is because it went in the direction that minds were already going. As Socrates told us, when meeting and talking in the squares and streets of Constantinople, people spontaneously compared different accounts of the war, “always presuming upon the most disastrous results.” Yet in the absence of official or more reliable news that could disprove such stories, the rumour of the death of Theodosius on campaign gained the status of truth. And for the Arians themselves, the news was too good not to be true. Their fervent desire to see their rivals lose the imperial support led them to believe that pay back time had actually come. The result was a coordinated assault on the mansion owned by the bishop supported by Theodosius, the rich and former senator Nectarius.

33 Shibutani, *Improvvised News*.

34 Aldrin, *Sociologie politique*, 125. Cf. Courier's paper in this volume.

35 *Ibid.*, 84–5.

36 Marc Bloch, *Réflexions d'un historien sur les fausses nouvelles de la guerre* (Paris: Allia, 1921, reed. 1999).

37 Socrates, *Hist. eccl.* 6.2.

Comparing these episodes of collective violence, we may conclude that the main factor encouraging the urban plebs, the religious factions or their leaders to undertake a collective action were not objective circumstances *per se*, but the processes of commentary and interpretation of facts that enabled these social actors to evaluate their political environment. In the case of Alexandria, the populace disposed of official news that told of the death of Constantius. But their readiness to take the law in their own hands was also due to their perception, achieved through collective deliberation, that the authorities were unable to punish the targets of their wrath. In Constantinople, by contrast, the general populace, the Arian faction and its leaders had to rely only on unofficial news to evaluate the political situation. Rumours in this case functioned at the same time as a sign of changes in the status quo, as a method of mobilizing an action and as a tool for the leaders to gain support for their group. In any case, the forces behind the riots were long-term political relations. The sudden news of the death of an emperor, whether founded or groundless, was simply a means for political actors to evaluate what was a changing and often-ambiguous political situation.

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PART 4

Failure of Political Communication



Incitement to Violence in Late Republican Political Oratory

Antonio Duplá Ansuategui

The main aim of this paper is to discuss some problems about political violence in the general frame of the crisis of the Late Roman Republic. More specifically, my intention is to analyse the way Cicero describes and denigrates his political rivals in order to justify and legitimate their physical elimination. This specific Ciceronian strategy constituted an important factor in the spreading of violence in the last decades of the Roman Republic. As such, it represented a particular version of the political communication between a particularly well-known politician and the people and his peers, one distorted by the goal of convincing the community of the necessity of extreme measures against the political opponents. If we follow C. Steel and H. van der Blom when considering oratory a dynamic force in Roman politics,¹ then the transcendence of this attitude by one of the key protagonists of public speech in Rome seems indubitable.

As defined by a well-known Oxonian scholar on the topic, Andrew Lintott, violence in the Late Republic was “commonplace”.² In fact, the violent end of the two brothers Gracchi, Tiberius and Gaius, in the final decades of the second century BC, represented an authentic turning point in the history of the Republic, and ancient authors themselves pointed out the new dramatic situation.³ Even, some of them justified it in some circumstances, as we can

* I would like to thank the editor, Cristina Rosillo-López, for her patience, and Alison Keable for her assistance with English. All the dates are BC. For all what follows, the recent book by Timothy Peter Wiseman, *Remembering the Roman People* (Oxford: Oxford University Press, 2009) has been both inspiring and illuminating, and regarding the specific problem of political violence, particularly chap. 9 “The Ethics of Murder”.

1 Catherine Steel and Henriette van der Blom, “Introduction”, in *Community & Communication. Oratory & Politics in Republican Rome*, ed. Catherine Steel and Henriette van der Blom (Oxford: Oxford University Press, 2013), 2.

2 Andrew Lintott, *Violence in Republican Rome* (Oxford: Oxford University Press, 1999²), xiv.

3 Cic. *Rep.* 1.31: *Nam, ut videtis, mors Tiberii Gracchi et iam ante tota illius ratio tribunatus divisit populum unum in duas partis* (“For, as you observe, the death of Tiberius Gracchus, and, even before his death, the whole character of his tribunate, divided one people into two factions”);

read in the imperial historian Velleius Paterculus, when collecting the words of Scipio Nasica about the death of the older Gracchus: *si is ocupandae rei publicae animum habuisset, iure caesum*.⁴

Until recent times, the historical reconstruction of the last decades of the Republic derived strongly from Cicero's writings. But, instead of considering violence through the eyes of Cicero as the result of madness and demagogic leadership by some individuals like Catiline or Clodius, we can analyse the problem in a different way. As such, violence is no longer the product of irrational mobs or the madness or cruelty of an individual, as Cicero claims about Clodius, but the result of certain social and political relationships.⁵ If it is true that nobody proposed any revolutionary change in the last century of the Roman Republic, beyond a new balance of powers with the reinforcement, both political and socio-economical, of the plebs, the depth of the crisis was undeniable. And, as recently pointed out by Morstein-Marx, the last century of the Republic was marked by a remarkable succession of legal propositions regarding not only problems with living conditions, but also proposals seeking a new balance of power.⁶ In a contribution under the very title "The Transformation of the Republic" Robert Morstein-Marx and Nathan Rosenstein

Rhet. Her. 4.31; *Sall. Jug.* 21.7; *App. BC.* 1.2. The killing of the tribunes represented the rise of a new concept of *concordia* in Rome, which needed the physical elimination of those who represented a threat to the *res publica*; cf. Philippe Akar, *CONCORDIA. Un idéal de la classe dirigeante romaine à la fin de la République* (Paris: Publications de la Sorbonne, 2013), 138–53.

- 4 Vell. Pat. 2.4.4 (written in the reign of Tiberius): "he was justly killed, if he had intended to take over the republic"; cf. Cic. *De or.* 2.106; *Cat.* 1.3; 4; 4.4; *Mil.* 8; *Planc.* 88; *Off.* 2.43; Valentina Arena, *LIBERTAS and the Practice of Politics in the Late Roman Republic* (Cambridge: Cambridge University Press, 2012), 215; Wiseman, *Remembering the Roman People*, 177–87.
- 5 Two pioneering works written by Peter A. Brunt in the seventies (*Social Conflicts in the Roman Republic* (Oxford: Oxford University Press, 1971); "The Roman Mob", in *Studies in Ancient Society*, ed. Moses I. Finley (London: Routledge&Kegan Paul, 1978), 74–102) represented a first step in the new direction. In this respect it is interesting the "Introduction to the 2nd edition" of his *Violence in Republican Rome* by Lintott, *Violence*, XIII–XXVII. On the topic see Antonio Duplá, "Violencia política y desigualdades económicas en la crisis de la República romana", *Devenires* XII:24 (2011): 44–65.
- 6 Robert Morstein-Marx, "'Cultural Hegemony' and the communicative Power of the Roman elite", in *Community and Communication. Oratory and Politics in Republican Rome*, ed. Catherine Steel and Henriette van der Blom (Oxford: Oxford University Press, 2013), 38. The author recognises a move from an earlier, very skeptical position on the political position of the plebs to a much more nuanced assumption of his political initiatives (see, for instance, p. 38, n. 50). In fact, he offers a list of, in his words, SAPS, or "successful assertions of popular sovereignty", from 140 to 50 (pp. 34–37), talking about the "autonomous plebeian resistance to elite hegemony".

had previously defined this process as one marked by the “fragmentation of legitimacy”, a label which sums up well, in my opinion, the significance of the crisis.⁷

Regarding the problem of violence, we might say that human beings are aggressive by nature, but peaceful or violent by culture, and if we consider political violence cold and premeditated, as “a common means used by people and governments around the world to achieve political goals”,⁸ and, as such, different from other violence, then we could apply this notion to the Late Roman Republic.

On the very specific topic to be analysed here, we are confronted with a conscious political and rhetorical strategy with a very specific goal: to present a series of individuals, all of them political opponents of Cicero, who, as a result of their initiatives and political agenda, had lost their rights as Roman citizens. Even, in some extreme cases, as a consequence of their acts they lost their status as human beings and were represented as animals and, as such, supposedly without rights. From a political and legal point of view, the most polemical and, theoretically, illegal aspect of this Ciceronian proposal is that these individuals lose their rights and, in fact, are condemned to death, and that all this could be done without the intervention of any judicial procedure. It depended only on the political decisions of the consuls or the senate, which didn't consider the old mechanism of the *provocatio ad populum*, never suspended, or the *lex Sempronia de capite civis* approved after the first Gracchan episode.⁹ This new statement meant the reinstatement of the death penalty, a sanction that in practice had disappeared from the political confrontation in Rome in the last two centuries of the Roman Republic.

Of course, if we intend to analyse political violence in Rome, some prior considerations must be made. First of all, there was a total absence in Rome of

7 Robert Morstein-Marx and Nathan Rosenstein, “The Transformation of the Republic”, in *A Companion of the Roman Republic*, ed. Robert Morstein-Marx and Nathan Rosenstein (Malden – Oxford: Blackwell, 2006), 633.

8 http://en.wikipedia.org/wiki/Political_violence (consulted 02/01/15). A classical approach to the topic is that of Hannah Arendt, *On violence* (New York: Harcourt, Brace & World, 1970). See now Imbusch, “The Concept of Violence”, in *International Handbook of Violence Research*, ed. Wilhelm Heitmeyer and John Hagan (Dordrecht – Boston – London: Kluwer, 2003), 13–39.

9 On *provocatio* and its update in the Late Republic, see Martin Jehne, “Die Geltung der Provokation und die Konstruktion der römischen Republik als Freiheitsgemeinschaft”, in *Geltungsgeschichten: über die Stabilisierung und Legitimierung institutioneller Ordnungen*, ed. Gert Melville (Köln: Böhlau, 2002), 55–74; on its origin and evolution see Duncan Cloud, “The Origin of *Provocatio*”, *RPh* 72:2 (1998): 25–48. *Lex Sempronia*: Cic. *Rab. perd.* 4.12; *Cluent.* 55.15; *Verr.* 5.63.163; *Cat.* 1.11.28; 4.5.10; *Schol. Bob.* p. 370 Or; *Gell. NA* 10.3.13; *Plut. C. Gracch.* 4.

any notion of human rights, apart from some limited philosophical reflections without any practical consequence;¹⁰ secondly, the notion of the legitimacy of the use of violence as “self-defence (“self-help” in Lintott’s words) was very firmly established, which we can carry back into the early republican times, in the Law of the Twelve Tables, where we can read, for example, *si nox furtum factum sit, si im occisit, iure caesus esto*;¹¹ thirdly, there were no police forces to control public order, forces that have acted as an inhibitor of the use of violence by private individuals, and which in modern times are associated with the legitimate state monopoly on violence.¹²

But, on the other hand, we find premeditated violence, openly promoted and legitimated and, in the particular case of Cicero, as I mentioned earlier, with a clear justification. That is, due to their actions, the individuals concerned had lost their place in the community and, therefore, they had lost the legal protection and guarantees every citizen had. We can remember that this is the argumentation we find along the whole history of political violence, from Cicero to the Jacobins during the French Revolution or the terrorist organizations in the twentieth century. In all cases, their victims had been previously excluded from the citizen’s community, even dehumanized.¹³

8.1 Cicero and Political Violence

We can reconstruct the Ciceronian conception of political violence through different forensic speeches (*Pro Rabirio perduellionis reo*, *Pro Sestio*, *Pro Milone*) and politic ones (*Catilinarians*, *Philippics*),¹⁴ and confirm all these ideas in

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- 10 Richard A. Bauman, *Human rights in ancient Rome* (London – New York: Routledge, 2000) almost identifies the Roman concept of *humanitas* with human rights, from an overly optimistic point of view; more accurate and rightly critical is Jaime Alvar, “La Antigüedad en la historia de los Derechos Humanos”, in *Entre la ética, la política y el derecho. Estudios en Homenaje al Profesor Gregorio Peces-Barba*, ed. Jaime Alvar, vol. 1 (Madrid: Dykinson, 2008), 1–19.
 - 11 Macrobian Sat., 1.4.19 (*Twelve Tables* 1.17); the reconstruction by Michael H. Crawford (*Roman Statutes*, vol. II (London: Institute of Classical Studies, 1996), 609–12): *si nox furtum fa[x]it, [ast]im occisit, iure caesus esto* (If he commit theft by night [and] he killed him, he is to be lawfully killed).
 - 12 Lintott, *Violence*, 89; Wilfried Nippel, *Public Order in Ancient Rome* (Cambridge: Cambridge University Press, 1995).
 - 13 Lintott, *Violence*, 66.
 - 14 But not so many delivered before the people: *de lege agraria*, *Catilinarians* 2 and 3, *Philippics* 4 and 6.

the more reflexive and theoretical treatises, like *De re publica*, *De legibus* or *De officiis*.

Cicero presents himself as a man of peace and rejects violence as something absolutely opposed to a civilized life, as we can read in *De legibus*.¹⁵ But, when, for whatever reason, this community based on law suffers a crisis, violence can be legitimate. That is to say, violence can be justified in order to defend the community (*composita et constituta res publica*) and to preserve the status quo. When Cicero says that *vis* is *iuri maxime adversaria*,¹⁶ that opinion reflects an ideology against violence and an evolution from earlier times, when *vis* and *ius* were not so clearly separated, particularly in conflicts around property rights. At the same time, he makes a justification for violence, even going as far as to justify direct physical aggression, in the political-constitutional level. In considering this twofold analysis of the legitimacy of violence, in private juridical conflicts or in the public political ones, Lintott writes about the Ciceronian ambivalence towards violence.¹⁷

The starting point for Cicero is again violence as response to violence, a principle defined by the notion of “self-defence”; a tradition, as we have already seen, rooted in Roman history from the times of the Twelve Tables. In the political arena, this self-defence could mean a justification of the violent confrontations in the city and, so, in one of his speeches after return from exile, Cicero praised Milo for his energy when violently confronting Clodius.¹⁸

We may ask ourselves if there is an evolution in Cicero's position about violence, from his justification when some kind of legal backing can be found, for instance the *senatus consultum ultimum*, as in the case of Rabirius or the Catilinarians, to his later argumentations in the defence of Milo, in the *De officiis* or in the *Philippics*. In the *Pro Sestio* he calls for additional action if

15 *Leg.* 3.42: “Deinceps sunt cum populo actiones, in quibus primum et maximum: ‘uis abesto’. Nihil est enim exitiosius ciuitatibus, nihil tam contrarium, iuri ac legibus, nihil minus ciuile et humanum, quam composita et constituta re publica quicquam agi per uim” (“Our next topic is the assemblies of the people, and our first and most important provision in regard to them is: No violence shall be used. Nothing is more destructive to governments, nothing is in such opposition to justice and law, nothing is less suitable for civilised men, than the use of violence in a State which has a fixed and definite constitution”). *Off.* 1.80; *Mil.* 13–14; *Pis.* 74; *Phil.* 2.24; *Sest.* 92; *Fam.* 5.21.2; *Leg.* 3.11. Of course, the different kinds of works and the different contexts, must be taken into account.

16 *Caec.* 2.5: violence, which is the greatest enemy to law. On Cicero's notion of *ius* and the political dimension of his theoretical construction, see Jill Harries, *Cicero and the Jurists. From Citizen's Law to the Lawful State* (London: Duckworth, 2006), 185–203.

17 Lintott, *Violence*, 54.

18 *Red. sen.* 8.19: “vim vi esse superandam (violence [must be put down] by violence).”

the laws are insufficient, and justifies all the violent initiatives by Sestius and Milo, supposedly after having drawn all legal resources.¹⁹

As a more general proposition, it can be stated that from his consulate in 63 down to the radical opposition to Antonius in 44–43, Cicero was developing a process of identifying his political position with the *res publica*. That affected the statuses of his rivals as enemies of the State, excluded from the community, his obsessively repeated self-presentation as the decisive figure for the salvation of Rome and the progressive use of public expressions of support as definitive political (even legal) arguments. Another problematic issue, central for our interpretation, has been elegantly expressed by Harries as “impatience with legal technicalities at times of crisis”.²⁰

It is interesting to say that, when arguing about the legal topics involved at the trials concerned, Cicero prefers not to concentrate on the specific legal circumstances of each case, but to talk in general about the defence of the Republic and the dangers which menace the State, as in his speeches in defence of the tribune Cornelius in 65 or in defence of Rabirius in 63.²¹

8.2 Cicero, Political Rivals and Violence

When speaking in public or writing in his correspondence, Cicero takes such an aggressive tone against his political rivals that we can consider him one

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- 19 Sest. 86 (and again in his defence of Milo): “si leges non valerent, iudicia non essent, si res publica vi consensuque audacium armis oppressa teneretur, praesidio et copiis defendi vitam et libertatem necesse esse” (“but that if the laws were inefficient, if there were no courts of justice, if the republic was seized and held in subjection by the violence and conspiracy and armed force of audacious men, then that it was absolutely necessary for our lives and liberties to be defended by armed guards and by troops”). Cicero makes similar statements in his defence of Milo. Cf. *Cat.* 1.4; 28, vindicating the expeditious killing of the brothers Gracchi and L. Appuleius Saturninus. Nevertheless, he also reminds, at another time, of the reluctance of the ancient Romans to apply the death punishment (*Tull.* 21.49–50).
 - 20 Harries, *Cicero and the Jurists*, 202. But cf. the political and legal preeminence attributed (opportunistically?) to the people when necessary, that is, speaking in a *contio* before the *plebs* (*Leg. agr.* 2.27).
 - 21 See *Rab. perd.* 2.19–20. In a different context and arguing about different topics, he chose the same strategy in the *Pro Fonteio*, where he preferred to talk about the extreme cultural differences between Romans and Gauls. In his *Pro Plancio* he elaborates on his personal circumstances during his consulate and exile (equated with those of the *res publica*) in greater depth than he does the issues at stake against Plancius. Harries (*Cicero and the Jurists*, 194) speaks of a “Cicero-centred narrative”.

of the most intolerant politicians ever known. His strategy generally implies the radical rejection of these rivals and their ideas and proposals, and their explicit or implicit exclusion from the community, without any possibility of agreement or discussion. This rejection concerns both their program of possible reforms and their own personality and character.

Regarding the measures proposed by Clodius and other *populares* leaders, they were always considered enormous threats to the stability of the State, the social order and the traditional hegemony of the *nobilitas*. Their proposals are presented by Cicero in a completely partisan and distorted way. Take, for instance, the Clodian proposals concerning the votes of the freedmen or the regulations about decision-making in the assemblies. In the Ciceronian version, Clodius' aim was to hand over the Republic to the slaves and transform all of them into his freedmen.²²

When talking about the personal traits of his rivals, as we shall see a bit later, all of them were depicted by Cicero to be madmen, examples of dangerous individuals dominated by irrationalism, passions and sexual misdemeanours.

If we consider the patterns Cicero follows when dealing with his political opponents, the so-called *populares*, we can outline some peculiarities:

Firstly, the absolute absence of any consideration of the reality of the deep, political or socioeconomic, problems in the Roman society and political system, as well as their troubles being attributed exclusively to the reformist leaders.²³

Secondly, the use of fear, through a specific rhetoric of the crisis, to convince his audience, the senate, the tribunals or the people, with nuances in each case,

22 *Mil.* 33; 87, 89. Antonio Duplá, "Nota sobre política y violencia legítima en el pro Milone ciceroniano", in *Dialéctica histórica y compromiso social*, ed. Julián Gallego et al. (Zaragoza: Libros Pórtico, 2010), 267. About the Clodian political program, in our opinion totally distorted in Cicero's version, see Herbert Benner, *Die Politik des P. Clodius Pulcher. Untersuchungen zur Denaturierung des Klientelwesens in der ausgehenden römischen Republik* (Stuttgart: Steiner, 1988), particularly 133–47; Willliam J. Tatum, *The Patrician Tribune: Publius Clodius Pulcher* (Chapel Hill: The University of North Carolina Press, 1999), 234–39; on Cicero, Clodius and the slaves as political propaganda, see François Favory, "Clodius et le péril servile: fonction du thème servile dans le discours polémique cicéronien", *Index* 8 (1978–79): 173–205.

23 The speech in defence of Publius Sestius, delivered by Cicero in 56, is a good example of this absolutely unilateral attribution of responsibilities. Regarding the socioeconomic context, in his argumentations against the *rogatio Servilia agraria* in 63 the absence of any mention of such problems is absolute. Neal Wood, *Cicero's Social and Political Thought* (Berkeley – Los Angeles: University of California Press, 1988), 105–19) explores the economic aspirations of Cicero and his permanent and obsessive defence of private property.

of the danger and the insanity of their opponents; there is fear of chaos, of indiscriminate violence, of the destruction of the Republic; fear of the loss of property, security, life. Regarding the problem of fear, and how Cicero plays with it, it is interesting to see how he manages to present a supposedly permanent threat from Catiline to Antonius through Clodius; for instance, by stating that the latter was a follower of Catiline (*felix Catilina*)²⁴ and, as we can see below, that Antonius was even worse than Catiline.

Thirdly, the absence of any possibility of negotiation between the different positions to reach some kind of compromise; as such, Cicero seems incapable of accepting dissent and reminds us of a conception of politics based on the radical friend-enemy opposition, well known in modern times. We will come back to the point briefly at the end of the text. Moreover, around this dialectic, Cicero tended on the one hand to identify himself with the *res publica* and, on the other hand, towards a rejection of any proposal opposed to his conception of the *res publica*, even if this proposal reached the status of a *lex publica*, as we can read in his *De legibus*, where these kind of *leges* are, in his opinion, not veritable laws.²⁵ Therefore, in spite of his theoretical considerations about the natural law, whose basis is our natural tendency to love our fellow human beings, Cicero's conception of natural law suspiciously coincides in practice with his own idea about the right and lawful State and his enemies.²⁶

8.3 Political Invective

For the purpose of discrediting his opponents, a fundamental tool in the hands of Cicero was the use of different rhetorical resources, in particular the political invective, which Cicero had mastered. As defined recently by Valentina Arena, following Koster, political invective is “a literary genre whose goal is to

24 Clodius was systematically presented as the successor of Catiline: “isti satellites tui felicem Catilinam nominant (*Dom.* 72); Catilina gregales (*Dom.* 75); eius familiaris Catilina (*Har. resp.* 5); a Catilina pecuniam accepit (*Har. resp.* 42); quando illius postea sica illa quam a Catilina acceperat conquievit? (*Mil.* 37); veteres ad spem caedis Catilinae copias esse revocatas (*Red. pop.* 13), copias omnis Catilinae (*Red sen.* 33).” Aulus Gabinius, cos. 58, heavily blamed by Cicero in a number of interventions, was also identified with Catiline (*Sest.* 28; *Red. Sen.* 10, 12; *Red. pop.* 21; *Dom.* 62).

25 *Leg.* 2.13–14, where Cicero rejected the agrarian laws presented by Sextus Titius, tr. pl. 99, Lucius Appuleius Saturninus, tr. pl. 100, and Livius Drusus, tr. pl. 91, as *perniciosae* and *pestiferae*. Cicero's argumentation in this passage represents one of the best examples of how his theoretical principles are wholly influenced by his political positions.

26 On natural law as *fundamentum iuris*, see *Leg.* 1.15.43.

denigrate publicly a known individual against the background of ethical societal preconceptions, to the end of isolating him or her from the community".²⁷ The purpose of invective, following Corbeill, is to cause the public shaming (*vituperatio*) of an individual through the open exposure of his faults; and for this purpose, different types of charge were made: from physical traits to ethnical elements and sexual behaviours (effeminacy, incest), or external signs (dress, gesture, voice, etc.).²⁸ In this context, regarding the truth or plausibility of invective allegations, it has more to do with dominant moral prejudices in Roman society than with the truth contained in these accusations.²⁹ But it must not be forgotten that the ultimate goal is a political one; when Cicero uses all his ability on stage, his intention is clear. In my opinion, it is not only to present his rivals as individuals outside of the community, but in the case of the *populares* leaders, to encourage and justify their physical elimination.

In this strategy of discredit, Cicero uses different rhetorical procedures which we can find in his own rhetorical treatises and in other authors. Regarding the political and social context and the individuals respectively, he mixes a rhetoric of crisis with a rhetoric of exclusion. In the first one, they are a continuous range of catastrophic and apocalyptic affirmations about the situation of the Republic, always on the edge of collapse.³⁰ These considerations are so extreme and hyperbolic as to present Antonius as the cruellest threat to the Republic, even worse than Catiline and similar to Tarquinius Superbus and Hannibal.³¹ Cicero too presents the situation and the proposals in the "disjunctive mode" (so called by Wooten), that is in a binary, absolute antagonistic

27 Valentina Arena, "Roman Oratorical Invective", in *A Companion to Roman Rhetoric*, ed. William Dominik and Jim Hall (Malden MA-Oxford: Blackwell, 2007), 149.

28 Anthony Corbeill, "Ciceronian Invective", in *Brill's Companion to Cicero: Oratory and Rhetoric*, ed. James M. May (Leiden: Brill, 2002), 204–11 explores all these charges in detail, showing even the different strategies Cicero uses when speaking before the people or before his peers.

29 Arena ("Roman Oratorical Invective", 154) considers invective an important element in shaping social moral codes in Rome.

30 Jim Hall, "The *Philippics*", in *Brill's Companion to Cicero: Oratory and Rhetoric*, ed. John M. May (Leiden: Brill, 2002), 287) insists on the intensity of Cicero's rhetoric of crisis, already used against Catiline and Clodius, throughout the *Philippics*.

31 *Phil.* 13.22: "O Spartacus! quem enim te potius appellem, cuius propter nefanda scelera tolerabilis videtur fuisse Catilina?" ("Spartacus! What better name to call you by? Your abominable crimes make Catiline look tolerable by contrast in retrospect"); *Phil.* 3.11 (Tarquinius Superbus); *Phil.* 14.9 (Hannibal).

manner (freedom or servitude, peace or war, legal consul or enemy *-hostis-*), without any middle ground, which makes agreement impossible.³²

If we look at the “rhetoric of exclusion”, its terminology plays with the image of individuals who, thanks to their own action, had lost their status as Roman citizens, as civilized people or even as human beings.³³ It has been studied recently the long series of crimes, misbehaviours and vices attributed to Clodius by Cicero on various occasions in different speeches, and the list can be made in the same way if we talk of Catiline or Antonius (*demens, pestis, belua, fanaticus, nefarius, effeminatus, labes, latro, gladiator, servus, et cetera*).³⁴ They can be presented not only as models of negative behaviour in the private sphere, unworthy of being members of the *civitas*, but even as permanently given to madness, wrath or lust; the extreme expression of that situation would be the condition of an animal, as we can read in the *Fourth Philippic*, and therefore absolutely excluded from the civic community.³⁵ At the same time, they are likened to different groups of people, characterized by their dangerous profile and their inferior status, incapable of acting in politics in a civilized manner (*latrones, servi, gladiatores*).

As such, the use of the term bandit (*banditi, latrones, latrocinium*) in the *Catilinarians*, analysed by Habinek, shows its function as underlining the challenge to the legitimacy of the status quo that banditry represents. Metaphorically, it implies violence, assaults, a threat to property, insecurity, intimidation,

32 About the “disjunctive mode” see Cecil Wooten, *Cicero's Philippics and their Demostenic Model* (Chapel Hill – London: The University of North Carolina Press, 1983), 58–86. The opposition is therefore always insuperable. On freedom or servitude: *Phil.* 3.29; cf. 3.33–36; 4.11; 5.21; 6.19; 8.12; 10.18–20; 11.3; 13.6; peace or war: *Phil.* 8.2–4; legal consul or enemy—*hostis*—: *Phil.* 3.14; cf. 2.71; 3.21; 4.1–5; 5.21; 7.10–13; 86; 14.6–10. 22.

33 *Phil.* 3.12: “Hunc igitur ego consulem, hunc civem Romanum, hunc liberum, hunc denique hominem putem” (“Am I then to consider this man a consul, this man a Roman citizen, this man a free man, this man a human being...”). On the Ciceronian rhetoric of exclusion focused on Antonius, see Harries, *Cicero and the Jurists*, 204–29, where the conscious “construction” of Antonius as an outsider, enemy of the Roman People, is analysed throughout the *Philippics*.

34 Francisco Pina Polo, “*Frigidus Rumor*: the Creation of a (negative) Public Image in Rome,” in *Private and Public Lies. The Discourse of Despotism and Deceit in the Graeco-Roman World*, ed. Andrew Turner, James Kim On Chong-Gossard and Frederik Vervaeke (Leiden – Boston: Brill, 2010), 83–86.

35 *Phil.* 4.12: “Non est vobis res, Quirites, cum scelerato homine ac nefario, sed cum immani taetraque belua” (“You have not now to deal, Romans, with a man merely guilty and villainous, but with a monstrous and savage beast”). Obviously, anybody who is comparable to an animal does not deserve the same rights than the citizens (Corbeill, “Ciceronian Invective”, 205).

rural landscapes versus urban ones, etc., and consequently appeals to the immediate defence of property and the State.³⁶ Clodius, Piso, Gabinius and Antonius are also labelled *praedones* and in this respect we may recall the episode of Caesar and the pirates and how they were crucified; on a more theoretical level, we have the commentary of Cicero that a law supposedly approved by *latrones* would be an unacceptable one, or about the pirates as outlaws, like people outside the protection of *ius gentium*.³⁷

The final image is always the same: a dangerous individual who had lost his place in the community and who can, or indeed, must be eliminated to preserve the safety of the State (*salus rei publicae*).

8.4 *Hostes* and Tyrants and the Contempt for Legality

In his *De legibus*, Cicero affirms that *de lex Valeria* from 82 cannot be considered a veritable law, because it permitted the dictator (Sulla) to kill any citizen without a legal process. Nevertheless, in a trajectory we can reconstruct from 63 to 43 he finally admitted the same conclusion as the aforementioned *lex*. Following this argumentation, it is interesting to call attention now to the notion of *hostis publicus* and its use by Cicero, a figure different from that of *inimicus*, supposedly a rival, but inside the rules of political play.³⁸

The first stage can be dated within the early months of 63, his consular year, when the trial against Rabirius and his speech *Pro Rabirio perduellionis reo* took place. Cicero plays with time when he considers Saturninus a *hostis*, because the first official declaration of *hostis publicus* occurred in 88.³⁹ Of course,

36 In the case of Catiline, he can be presented even as a victim to be killed (Cic. *Cat.* 1.33, using the verb *mactare*) in order to preserve the unity of the State and the people; cf. Thomas Habinek, "Cicero and the bandits", in *The Politics of Latin Literature. Writing, Identity, and Empire in Ancient Rome*, ed. Thomas Habinek (Princeton: Princeton University Press, 1998), 83).

37 Plut. *Caes.* 2.4 (Caesar and the pirates); *Leg.* 2.13 (*latrones*); *Off.* 3.107 (pirates).

38 *Leg.* 1.15.42. *Inimicus* is rhetorically applied by Cicero to the praetor in 57 Appius Claudius, the brother of Clodius: "Quid erat autem, cur ego in te tam implacabilis essem, cum te ex fratre meo ne tunc quidem, cum tibi prope necesse esset eas agere partes, inimicum mihi fuisse cognossem?" ("I have learnt from my own brother that you had been no enemy of mine even in those days when it was almost inevitable that you should act the part of one?") (Cic. *Fam.* 3.10.8).

39 The audience did not agree with Cicero when he labelled Saturninus a *hostis*: "The outcry that I hear does not perturb me, nay, it consoles me" (*Rab. perd.* 18); apparently Labienus, the prosecutor, carried an *imago* of Saturninus to the *rostra* (o.c., 24). The lat-

Cicero's strategy has to do with the defence of the *senatus consultum ultimum*, permanently rejected by the *populares* as an abuse of power by the *optimates*. As in other criminal trials, Cicero overlooks the specific circumstances of the case and, by justifying all the events of 100, vindicates the *senatus consultum ultimum*.⁴⁰ Supposedly this was an old tradition in the Roman Republic,⁴¹ always in defence of *salus rei publicae*, *auctoritas senatus*, *consulare imperium*, and *consensio bonorum*.⁴²

The next chapter is that of Catiline, where we find another *senatus consultum ultimum* and the senatorial debate about the penalty for the arrested Catilinarians. Regarding the death penalty, that debate represented a turning point, because senators did not discuss the legality of a sanction without trial, but only what kind of sanction they had to impose.⁴³

Immediately some questions arise. Did *senatus consultum ultimum* mean that the individuals involved were automatically transformed into *hostes*? Was then the senate, as a new judicial institution, authorized to transform a citizen into a *hostis*? What happened with the *provocatio* or with the *leges de capite civis* promoted by C. Gracchus and Clodius? Did the senate have some kind of latent *imperium* or latent supremacy at severely critical times? Obviously, the

est and fullest treatment of the problem of *hostis publicus* in the Roman Republic is that of Annie Allély, *La déclaration d'hostis sous la République romaine* (Bordeaux: Ausonius Éditions, 2012); see too Pierre Jal, "Hostis publicus dans la littérature latine de la fin de la République", *Revue des Études Anciennes* 65 (1963): 53–79, Jürgen B. Ungern-Sternberg, *Untersuchungen zum spätrepublikanischen Notstandsrecht. Senatusconsultum ultimum und hostis-Erklärung* (München: Beck, 1970); Antonio Duplá, *Videant consules. Las medidas de excepción en la crisis de la república romana* (Zaragoza: Prensas Universitarias de Zaragoza, 1990), 155–82; Luigi Labruna, *Nemici non più cittadini e altri testi di storia costituzionale romana* (Napoli: Jovene, 1995).

40 Ungern-Sternberg, *Notstandsrecht*; Duplá, *Videant consules*; Lintott, *Violence*, 149–74; Arena, *Libertas*, 200–20; the topic has been recently (and unconvincingly) analysed from the perspective of "crisis management", cf. Gregory K. Golden, *Crisis Management during the Roman Republic. The Role of Political Institutions in Emergencies* (Cambridge – New York: Cambridge University Press, 2013).

41 In the Ciceronian interpretation even the proper "formula" for the procedure was very old (*Rab.perd.* 2; 34): "Hisce autem malis magnum praesidium vobis maiores vestri reliquerunt, vocem illam consulis: 'qui rem publicam salvam esse vellent'" ("And your ancestors have left you a great protection against these evils in these words of the consul, "Whoever wishes the republic to be safe"); cf. Sall. *Cat.* 29.3.

42 *Rab.perd.* 2; 19–20; cf. *Pis.* 4; D.C. 37.26.

43 Catiline as *hostis*: *Cat.* 1.3; 2.11–12. On the senatorial debate in December 63 and the political and juridical problems involved, see Andrew Drummond, *Law, Politics and Power. Sallust and the Execution of the Catilinarian Conspirators* (Stuttgart: Steiner, 1995), 79–113.

answer for Cicero would be yes, because from his perspective, the individuals who act against the values of Roman law and Roman society are no longer citizens.⁴⁴ But the permanent protests by the *populares* on this point suggests that, from the very beginning of the problem, there was more than one accepted answer to those questions. And we can include in this opposition from P. Mucius Scaevola against Scipio Nasica in 133, the *lex Sempronia de capite civis* of Gaius Gracchus, to the process in 120 against the consul the former year L. Opimius, the negative of other Q. Minucius Scaevola Augur to declare C. Marius *hostis publicus* in 88, Caesar proposing another sanction in place of the death penalty to the arrested Catilinarians in 63, or the *lex Clodia de capite civis romani*.⁴⁵

Regarding Clodius, as with the Catilinarians, his death was necessary for the preservation of the State, and Cicero publicly approved his killing,⁴⁶ but now we encounter a step further. He is labelled as *hostis* (and *inimicus*) in different places,⁴⁷ but in Cicero's speech on defence of Milo, delivered in April 52, his transformation into *hostis* is apparently automatic, not only lacking a trial, but also a senatorial debate. It is interesting to see how Valentina Arena, when writing about the effectiveness of invective when the audience can be convinced by the orator about a specific moral or political point of view, points out the differences between the spoken and written versions of the *Pro Milone* on the legitimacy of the killing of Clodius by Milo. In the first version it was a case of self-defence by Milo; in the second, the most important for us, it was a heroic and beneficial act in defence of the *res publica*, because of the tremendous danger represented by Clodius.⁴⁸ It can be said that we are here faced with a very important moment regarding the evolution of Cicero's ideas on political violence.

44 Harries, *Cicero and the Jurists*, 189.

45 P. Mucius Scaevola against Scipio Nasica: Plut. *Ti. Gracch.* 19.3; Val. Max. 3.2.17; but cf. Cic. *Planc.* 88; *lex Sempronia de capite civis*: Cic. *Rab. perd.* 4.12; Cluent. 55.151; Verr. 5.63.163; Cat. 1.11.28; 4.5.10; Schol. Bob. p. 370 Or; Gell. 10.3.13; Plut. *C. Gracch.* 4; the process against L. Opimius: Liv. *Per.* 61; Cic. *Brut.* 128; *De or.* 2.106; 132; 170; *Sest.* 140; *Part. or.* 106; ORF 154–6; the *pontifex maximus* Q. Mucius Scaevola against Sulla in 88: Val. Max. 3.8.5; Caesar in the senatorial debate in 63: Sall. *Cat.* 51; the *lex Clodia de capite civis romani*: Vell. *Pat.* 2.45.1; Cic. *Pis.* 29.72; Liv. *Per.* 103; App. *BC.* 2.15.

46 Mil. 79; Cicero had approved it earlier (*Red. pop.* 10).

47 *Clodius inimicus est nobis* (*Att.* 2.21.6); *Hanc istum otii et pacis hostem* (*Dom.* 12); *non ab inimico meo, sed ab hoste communi* (*Dom.* 101); *domesticum potius hostem* (*Red in sen.* 19); *communis salutis inimici* (*Sest.* 15); *inimico meo* (*Sest.* 133).

48 Arena, "Roman Oratorical Invective", 159.

Cicero, presumably following an interpretation defended by Marcus Iunius Brutus and others in the summer of 52,⁴⁹ in his revised version of the *Pro Milone*, introduced the theory of tyrannicide, another supposedly old tradition dating back to the early Republic. There we find different episodes regarding individuals with supposed tyrannical aspirations, but episodes whose historicity is now strongly discussed.⁵⁰ A particular aspect now is that Cicero considered tyrants all the leaders proposing reforms not in accordance with his own conceptions and with an important support among the plebs.⁵¹ Previously, Cicero had used the term “tyrant” as a stereotyped insult against Verres, Rullus, Gabinius and even Caesar,⁵² but this extension of the label “tyrant” to his rivals and its lethal consequences have been defined by so a brilliant specialist in Cicero as Lintott as the “disquieting features of this [Ciceronian] view”.⁵³

49 Asc. in Mil. 30; Paolo Fedeli, in the Introduction to his commentary of the *Pro Milone*, insisted on the importance of this information and on Asconius as a source more reliable than Cicero on this point (“Un cadavere eccellente”, in *In difesa di Milone*, ed. Paolo Fedeli (Venezia: Marsilio, 1990), 11). Cf. Quint. *Inst Orat.* 3.5.93.

50 Spurius Melius, killed by C. Servilius Ahala in 439, was acting in support of plebeian demands during apparently difficult economic times, and was therefore labelled by the later aristocratic tradition as candidate to monarchy and tyranny (Cic., *Cat.* 1.3; *Mil.* 8; 72; *Att.* 2.24.3; 13.40.1; *Phil.* 1.32; 2.26; 87; 114). Consequently, Ahala is presented by Cicero as an example of tyrannicide and a patriotic hero. The two other supposed old tyrants in the Roman tradition were Spurius Cassius, cos. 502, 493, 486 (Liv. 4.15.4), and M. Manlius Capitolinus, cos 392, executed in 384 (Cic. *Dom.* 101). On tyrannicide and these supposed tyrants in early Rome, see Francisco Pina Polo, “The Tyrant Must Die: Preventive Tyrannicide in Roman Political Thought”, in *Repúblicas y ciudadanos: Modelos de participación cívica en el mundo antiguo*, ed. Francisco. Marco Simón, Francisco Pina Polo and José Remesal Rodríguez (Barcelona: Publicacions i Edicions de la Universitat de Barcelona: 2006), 80–87.

51 *Mil.* 72: “non Sp. Maelium qui annona levanda iacturisque rei familiaris, quia nimis amplecti plebem videbatur, in suspicionem incidit regni appetendi, non Ti. Gracchum qui conlegae magistratum per seditionem abrogavit” (“not Spurius Maelius, who fell under the suspicion of aiming at kingly power by lowering the price of corn, and by squandering his own family estate, because by that conduct he was thought to be paying too much court to the common people; not Tiberius Gracchus, who, out of a seditious spirit abrogated the magistracy of his own colleague”; cf. *Mil.* 14).

52 *Verr.* 2.1.82; 4.123 (Verres); *Leg. agr.* 2.32; 3.123 (Rullus); *Sest.* 32, *Red. sen.* 12; *Pis.* 17–18 (A. Gabinius); *Sest.* 32 (L. Calpurnius Piso); *Mil.* 35 (Clodius); *Phil.*, 2.90; 96; 12.17 (Caesar); *Phil.* 13.18 (Antonius).

53 Lintott, *Violence*, 57. Lintott talks of the “quasi-tyrants” now affected by Cicero’s repressive principles; Pina Polo, “Tyrant”, 92–7.

Several years later, facing Antonius, Cicero insisted on this path and in a pure demagogic way did not await the senatorial decision to make him a *hostis*.⁵⁴

When faced with these individuals, who had automatically lost all their civil rights, there was no mercy. They had to be eliminated, either by the State or by a *privatus*, like Scipio Nasica with Tiberius Gracchus.⁵⁵ As presented by Cicero in the second book of his treatise on the State, the so labelled tyrants are the most horrifying of monsters.⁵⁶

8.5 Recapitulation: Cicero and Politics

Regarding political violence in the Late Republic, it might be possible to distinguish among intermittent, episodic violence, organized intimidating violence and institutional violence to eliminate the opponent; in this sense *populares* and *optimates* do not share the same strategy and proposals. If, on the one hand, we consider the aforementioned *leges Sempronia* and *Clodia*, or Caesar's statements in 63 or the permanent vindication of the *provocatio ad populum*,⁵⁷ on the other hand we find Cicero clearly aligned with the most extreme positions calling for the death penalty for "bad" citizens.⁵⁸

Senatus consultum ultimum, *hostis* declaration and tyrannicide, as theorized by Cicero, procedures all of which were justified by the necessity of urgent and heightened control of the situation, even beyond the law, meant an irreversible and definitive breakdown of political consensus and showed how deep the constitutional crisis was.

54 Phil. 4.1: "Nam est hostis a senatu nondum verbo appellatus, sed re iam iudicatus Antonius" ("For the senate has no longer been content with styling Antonius an enemy in words, but it has shown by actions that it thinks him one"); cf. Phil. 4.5; 5.25; 14.4.

55 See above, footnote 3. Regarding the *leges Sempronia* and *Clodia de capite civis*, Morstein-Marx ("Cultural hegemony", 34–36) includes both in his relation of SAPS or "successful assertions of popular sovereignty" between 140 and 50; on the circumstances around and the consequences of the *lex Clodia*, Tatum, *The Patrician Tribune*, 151–58.

56 Rep. 2.48: "qui quamquam figura est hominis, morum tamen inmanitate vastissimas vincit beluas" ("for, though he bears a human form, yet he surpasses the most monstrous of the wild beasts in the cruelty of his nature").

57 See above, note 10.

58 In fact, regarding the arrested Catilinarians, considered no more *improbi cives* (worthless citizens), but *acerbissimi hostes* (most bitter enemies), and before the final decision was taken after the senatorial debate, Cicero seems clearly in favour of the death sentence (Cat. 4.14).

If we try to formulate some kind of recapitulation about the problems analysed here, it is possible to approach the situation in the Late Roman Republic in terms of a failure of politics and political communication, at least if we understand it, in terms of the place for discussion, negotiation, concessions and agreements. But this “failure” did not occur because of a supposed “Krise ohne Alternative”, in the famous thesis of Christian Meier,⁵⁹ or, as proposed recently, due to the lack of specific procedures and institutional responses to deal with severe internal political crisis, as maintained by Golden.⁶⁰

From our point of view, there was absolutely no interest among the *optimates* in this sort of negotiation when dealing with the successive crisis along the last republican century, and Cicero was a paradigmatic representative of this attitude.⁶¹

There are some interesting points to explore when comparing Late Roman Republican politics and violence with other historical periods with strong political conflicts. On the one hand, the situation in those Ciceronian times can remind us of the process of the “Brutalization of Politics”, as studied by George Mosse for European politics after the Great War, characterized, among other aspects, by a growing indifference towards human life, the desire for the destruction of political opponents, and the new ways and terminology to describe them.⁶² Not by chance, that was the time when a conception of politics based on an antagonistic friend-enemy opposition appeared, a very Ciceronian conception, we might say.⁶³

59 Christian Meier, *Res publica amissa: eine Studie zu Verfassung und Geschichte der späten römischen Republik* (Wiesbaden: Steiner, 2nd ed. 1980) with the important review of Peter A. Brunt, Review of Ch. Meier, *Res publica amissa* (1966), *Journal of Roman Studies* 58 (1968): 229–32. Meier added an important new Introduction (“Vorwort” und “Einführung zur Neuauflage 1980”, IX–LVII) in the second edition of his book, but without altering the core of his argumentation. On this “Krise ohne Alternative” thesis, recently Morstein-Marx and Rosenstein, “The Transformation of the Republic”, 627–28.

60 Golden, *Crisis Management*, 219, underlines the differences between Ancient Rome and the modern constitutional States, where the resolution of these internal crisis is normally assigned to a neutral body of specialists, theoretically not limited by partisan interests.

61 With this sort of internal enmity there is no possible arrangement to be reached; the conflict will be permanent (*aeternum bellum*, *Cat.* 4.22), until their final destruction. Lintott *Violence*, 65 recognises his “partisan ruthlessness at the end”, and quotes in this respect Livy’s obituary, as preserved in Seneca the Elder (*Suas.* 6.22).

62 George L. Mosse, *Fallen Soldiers. Reshaping the Memory of the World Wars* (Oxford: Oxford University Press, 1990), 159ff focuses on German Politics after 1918, but the notion of “brutalization” has been applied to other countries and situations by different scholars.

63 Pedro López Barja de Quiroga, “Conflict versus consenso: de Cicerón a Aristóteles pasando por Carl Schmitt”, in *Debita verba. Estudios en homenaje al Profesor Julio Mangas*,

Furthermore, the rhetoric of exclusion we find in Cicero also reminds us of some recent new trends in Penal Law, linked to the antiterrorist strategies implemented after 9/11, and particularly the so-called “Criminal Law of Enemy” or “Feindsstrafrecht”. Günther Jakobs, one of its most prominent advocates, says that “Feinde sind aktuell Unpersonen” (“enemies are in fact non-persons”) and, consequently, these people who had a violent confrontation with the State and the law require a special rule and should be treated as individuals no longer protected by ordinary constitutional procedures.⁶⁴ Efficiency and anticipation prevail over rights and guarantees. *Mutatis mutandis* and with a little effort, we can recognize there the echoes of statements like those of Cicero.

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ed. Rosa Cid and Estela García, vol. 1 (Oviedo: Ediciones de la Universidad de Oviedo, 2013), 174–78 establishes a link between Cicero and his aggressiveness against the *populares* and the modern ideas about politics and the safety of the State in Carl Schmitt.

- 64 Günther Jakobs and Manuel Cancio, *Derecho Penal del Enemigo*, Madrid: Civitas, 2011; Scott Horton, “The return of Carl Schmitt”, *Balkanization*, November 2005; Pedro López Barja de Quiroga, *Imperio legítimo. El pensamiento político en tiempos de Cicerón* (Madrid: Abada, 2007), 296–98; Matteo Tondini, “Beyond the Law of the Enemy: Recovering from the Failures of the Global War on Terrorism Through (Criminal) Law”, *Processi Storici e Politiche di Pace/Historical Processes and Peace Politics* 5 (2008): 59–81. One of the most evident consequences of that kind of strategies is the existence of a place like Guantanamo, a battlefield for human rights activists and a nightmare for former President Obama.

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Why the Anti-Caesarians Failed: Political Communication on the Eve of Civil War (51 to 49 BC)

Martin Jehne

On January 7, 49, the Roman senate decreed the *senatus consultum ultimum*.¹ In reaction to this declaration of emergency, the Caesarian tribunes M. Antonius and Q. Cassius Longinus left the *curia* under protest and departed hastily for Northern Italy to meet Caesar.² Now free of constant intercession, the senate met again *extra urbem* with Pompey from January 8 to 12.³ We hear of important and interesting decrees: the end of Caesar's command was formally resolved, and he also lost his privileges concerning his candidacy for another consulship.⁴ L. Domitius Ahenobarbus was nominated as his successor in Gallia Transalpina and was provided with 4000 troops.⁵ The task of recruiting a large army of 130.000 was assigned to Pompey,⁶ and for this purpose he was permitted to spend the assets in the *aerarium*.⁷ Italy was divided into several districts, and for each district a leader was appointed who was responsible for collecting contributions from the *municipia*.⁸ Whether or not those

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1 Caes. *BC* 1.5.3; 7.5; Cic. *Fam.* 16.11.2; *Deiot.* 11; D.C. 41.3.2–3; Livy *per.* 109. For the many senate meetings in quick succession at this time, cf. Paul Stein, *Die Senatssitzungen der Ciceronischen Zeit* (68–43) (Münster: Westfälische Vereinsdruckerei, 1930), 62–6 (with evidence and chronology). See also Eduard Meyer, *Caesars Monarchie und das Principat des Pompejus. Innere Geschichte Roms von 66 bis 44 v. Chr.* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1978), 278–302.

2 For the tribunes leaving the city (together with other Caesarians like Curio and Caelius), cf. Caes. *BC* 1.5.5; D.C. 41.3.2; App. *BC* 2.33 (133); Livy *per.* 109.

3 Cf. Caes. *BC* 1.6.1; see Cic. *Fam.* 16.11.3; D.C. 41.3.3–4.

4 D.C. 41.3.3–4; Cic. *Fam.* 16.12.3.

5 Caes. *BC* 1.6.5; App. *BC* 2.32 (129); Suet. *Iul.* 34.1.

6 The figure is provided only by App. *BC* 2.34 (134).

7 Caes. *BC* 1.6.3; App. *BC* 2.34 (135); cf. D.C. 41.3.4.

8 Caes. *BC* 1.6.3–8; Cic. *Fam.* 16.11.3; App. *BC* 2.34 (135).

district commanders were explicitly authorised to confiscate private and sacred money is not clear; this sounds too much like Caesarian invective.⁹ Yet provinces were distributed, and there was even time to talk about a possible triumph for the *imperator* Cicero.¹⁰

We do not know exactly when the information arrived at Rome that Caesar had crossed the Rubicon during the night of January 10 to 11.¹¹ It could have been on January 13 or perhaps a day later.¹² In reaction, the senate met again on January 14 or 15 in the *curia Pompei*. It is possible that a *tumultus* was now declared, which meant that recruitment would be accelerated.¹³ Moreover, the consular Volcarius Tullus asked Pompey for the precise number of troops available and was deeply disappointed when Pompey mentioned only 30,000.¹⁴ In

9 Caes. *BC* 1.6.8.

10 Caes. *BC* 1.6.5; Cic. *Fam.* 16.11.3; 12.3; cf. Plut. *Cic.* 37.1. See Magnus Wistrand, *Cicero Imperator. Studies in Cicero's correspondence 51–47 B.C.* (Göteborg: Acta Universitatis Gothoburgensis, 1979), 57–8.

11 The exact date of Caesar's crossing of the Rubicon is also a matter of debate, cf. for an overview of previous research and arguments Alfred Christoph Müller, *Untersuchungen zu Caesars italischem Feldzug 49 v.Chr. Chronologie und Quellen* (Dissertation München: 1972), 7–10. See for details of the crossing in our tradition Martin Jehne, "Über den Rubicon. Caesars Eröffnung des Bürgerkrieges am 10. Januar 49 v.Chr." In *Und keine Schlacht bei Marathon. Große Ereignisse und Mythen der europäischen Geschichte*, ed. by Wolfgang Krieger (Stuttgart: Klett-Cotta, 2005), 25–9.

12 See Müller, *Untersuchungen*, 14. In Cic. *Att.* 7.11.1, Cicero was already informed that Ancona had been occupied by Caesar (the letter is not explicitly dated; according to David Roy Shackleton Bailey, *Cicero's Letters to Atticus*, vol. 4 (Cambridge: Cambridge University Press, 1968), 297–8, the letter was written on January 21).

13 Usually, the *tumultus* decree is dated to a senate meeting with Pompey after the declaration of the *senatus consultum ultimum* on January 7, in accordance with D.C. 41.3.3 and Suet. *Iul.* 34.1; cf., for instance, Meyer, *Caesars Monarchie*, 289; Stein, *Senatssitzungen*, 64; Bernhard Woytek, *Arma et Nummi: Forschungen zur römischen Finanzgeschichte und Münzprägung der Jahre 49 bis 42 v.Chr.* (Wien: Verlag der Österreichischen Akademie der Wissenschaften, 2003), 30; Gregory K. Golden, *Crisis Management during the Roman Republic. The Role of Political Institutions in Emergencies* (Cambridge: Cambridge University Press, 2013), 145. Müller, *Untersuchungen*, 14 dates the *tumultus* decree to the meeting after Caesar's invasion, cf. Plut. *Pomp.* 61.6. It seems altogether reasonable that the *tumultus*, allowing for emergency recruitment, was resolved only once Caesar had crossed the Rubicon, and not earlier, when there was still hope that Caesar would back down.

14 Plut. *Pomp.* 60.6 (the figure is supported by the number of soldiers Pompey took with him to Greece, recorded in Cic. *Att.* 9.6.3; see Francis Xavier Ryan, "Tullus or Tullius?," *Chiron* 24 (1994): 80). Cf. also App. *BC* 2.36 (145) who mentions (Tullius) Cicero in place of

the end, the senate managed to agree upon an embassy to be sent to Caesar.¹⁵ On January 17, when news had arrived that Caesarian soldiers had already won over Ariminum, Pisaurum, Ancona and Arretium,¹⁶ and following a motion by Pompey, the senate agreed the cessation of public business, the obligation for all magistrates and senators to leave Rome, and the collection of the treasury.¹⁷

The chain of events briefly outlined here is somewhat strange, at least in hindsight. How do we explain the actions of the anti-Caesarian senators, who were clearly in charge after the declaration of the *senatus consultum ultimum*? Together with Pompey, they prepared for war, announcing large-scale recruitment and collecting money throughout Italy. However, they seem to have thought that they had as much preparation time as they needed. The hardliners in the fight against Caesar's desire to achieve a second consulship without first giving up his army, men like C. Marcellus, his cousin C. Marcellus, Ap. Claudius Pulcher, Cato, Metellus Scipio, Lentulus Spinther, Lentulus Crus, and others,¹⁸ did not trust Caesar at all. Their line of argument had been that Caesar's behaviour was outrageous, that he was not willing to play along with

(Volcaci) Tullus. For a convincing argument that Plutarch was right and the intervenor was Volcaci) Tullus, see Ryan, *Tullus*, 75–82.

- 15 This is the famous embassy of L. Roscius and L. Caesar, cf. Kurt Raaflaub, "Caesar und die Friedensverhandlungen zu Beginn des Bürgerkrieges von 49 v.Chr.," *Chiron* 5 (1975): 247–300.
- 16 Cic. *Fam.* 16.12.2; *Att.* 7.11.1; Caes. *BC* 1.11.4. For the dating, cf. Müller, *Untersuchungen*, 15 (the report on Ancona arrived on January 16, the report on Arretium on January 17).
- 17 Cic. *Att.* 9.10.2; 4; *Fam.* 16.12.2.
- 18 For a list of 12 names, cf. Hinnerk Bruhns, *Caesar und die römische Oberschicht in den Jahren 49–44 v.Chr. Untersuchungen zur Herrschaftsetablierung im Bürgerkrieg* (Göttingen: Vandenhoeck & Ruprecht, 1978), 26–7. M. Marcellus was no doubt a bitter enemy of Caesar, but on the senate meeting of January 1, he cautioned against an escalation of conflict before having levied an army with recruitment throughout the whole of Italy (Caes. *BC* 1.2.2). For doubts on Cato's active participation in the escalation of crisis in 51–50, cf. Helga Botermann, "Cato und die sogenannte Schwertübergabe im Dezember 50 v. Christus: Ein übersehenes Zeugnis für die Vorgeschichte des Bürgerkrieges (Sen. ep. mor. 14,12 f.; 95,69 f.; 104,29–33)," *Hermes* 117 (1989): 62–85. She does however concede that Cato did argue for an ending of Caesar's command without compromise in January 49 (p. 82), relying on Caes. *BC* 1.4.1, combined with Vell. 2.49.3; in Martin Jehne, "Caesars Alternative(n). Das Ende der römischen Republik zwischen autonomem Prozeß und Betriebsunfall." In *Eine politische Kultur (in) der Krise? Die 'letzte Generation' der römischen Republik*, ed. Karl-Joachim Hölkeskamp (München: Oldenbourg, 2009), 151 n. 29, I overlooked this passage in Botermann's paper and therefore criticized her unfairly. For the dealings with Cato in Caesar's *Bellum Civile*, cf. David C. Yates, "The Role of Cato the Younger in Caesar's *Bellum Civile*," *CW* 104 (2011): 161–74, in which Yates observes rather

the rules of Republican Rome, that he had to be blocked now for the sake of the Republic.¹⁹ When they pushed through the *senatus consultum ultimum*, they seem to have understood that war was now highly probable, but they do not seem to have reckoned at all on a Caesarian attack. It seems odd that they took Caesar for a villain, but did not anticipate that he would feel pushed to march into Italy.

Now, as historians with knowledge of the subsequent events, we should not jump too easily into accusing historical figures of blindness. We know that Caesar attacked, but should his contemporaries have considered this possibility beforehand? The answer, in fact, is “yes”. Every Roman knew that Sulla and Cinna had marched on Rome in the 80s, and in 50/49 this was not ancient history but still within living memory. Even if the bulk of Caesar’s army was still in Gaul, far away from the frontier of Roman Italy, four legions may already have been in Gallia Cisalpina.²⁰ So if the anti-Caesarians felt fairly safe for the following weeks because they reckoned on a lengthy transfer of troops before Caesar would dare to attack, this was a grave mistake, and they should have known it: in October 50, Atticus had heard of four legions in Placentia, and he wrote about it to Cicero.²¹ Even if there were rumours everywhere, some of them claiming discontent in Caesar’s army which would not follow its commander in an invasion of Italy,²² and even if those pieces of information may have been considered unreliable, this was no reason to feel secure or to delay one’s own preparations. Moreover, in the famous letter that Cicero addressed to Atticus after his conference with Pompey at the end of December 50, different courses of events were calculated. Among the potential decisions that Caesar could make, Cicero explicitly mentioned that Caesar might attack with his army.²³ The Latin word is *adducere*, to lead to some point. It is not in doubt

lenient treatment which he explains with Caesar’s intention of using Cato’s republican convictions to criticise Pompey.

- 19 Cf. Cic. *Att.* 7.9.3: “nobis autem, ut quidam putant, nihil est timendum magis quam ille consul”. See also Cic. *Att.* 7.8.4 (reporting the opinion of Pompey).
- 20 Hans-Martin Ottmer, *Die Rubikon-Legende. Untersuchungen zu Caesars und Pompeius’ Strategie vor und nach Ausbruch des Bürgerkrieges* (Boppard am Rhein: Harald Boldt Verlag, 1979), 38.
- 21 Cic. *Att.* 6.9.5: “Id. Oct. has dedi litteras, quo die, ut scribis, Caesar Placentiam legiones IIII. quaeso, quid nobis futurum est”.
- 22 App. *BC* 2.30 (116. 118); 31 (120–21); Plut. *Pomp.* 57.7; *Caes.* 29.5. According to Caesar’s account, Pompey repeated those rumors as fact in one of the meetings of the senate between January 8 and 12 (after the *senatus consultum ultimum* had been decreed on January 7): *Caes. BC* 1.6.2.
- 23 Cic. *Att.* 9.7.2: “... si ob eam causam, quod ratio eius non habeatur, exercitum adducat, ...”

that this point is central Italy, if only for the fact that in another passage of the letter the evacuation of Rome is considered.²⁴

It might be argued that the anti-Caesarians were not blind to the danger of a military offensive by Caesar, but nothing more could have been done. I do not believe that we can take this line, for two particular reasons. When the senate decreed that Domitius Ahenobarbus should be Caesar's successor in the province of Transalpine Gaul, they sent him out with 4000 soldiers,²⁵ which is about one legion. To my mind, this was a reckless idea if they reckoned with Caesarian resistance. Caesar commanded at least 11 legions at this point,²⁶ most of which were stationed in Gallia Transalpina, now enormously extended by Caesar's conquests.²⁷ How could Domitius take over the province with one legion against the Caesarian army? The 4000 soldiers of Domitius were clearly meant as reinforcements for Gaul, building on the premise that Caesar had surrendered his provincial command and thereby his troops.

Nevertheless, if we assume that Domitius was only expected to go to Gaul after Caesar had backed down or had been defeated, we still have the disaster with the *aerarium*, which could have been avoided at least in part. As mentioned above, Pompey had been empowered to draw upon the republic's treasury to fund recruitment,²⁸ and Caesar later claimed to have captured at Corfinium money which had probably been obtained from the *aerarium* by Pompey, and which was intended for paying soldiers.²⁹ Yet most of the treasury

24 Cic. *Att.* 9.7.2: "... suscepta autem bello aut tenenda sit urbs aut ea relictia ille commeatu et reliquis copiis intercludendus ..."

25 App. *BC* 2.32 (129).

26 Ottmer, *Rubikon-Legende*, 20–23 calculates as many as 13 legions, but Botermann, "Cato," 79 n. 59 and Helga Botermann, "Denkmodelle am Vorabend des Bürgerkrieges (Cic. *Att.* 7.9): Handlungsspielraum oder unausweichliche Notwendigkeit?," *Historia* 38 (1989): 411 n. 5 criticises Ottmer for possibly counting the 22 cohorts (Caes. *BG* 7. 65.1; cf. 7.1.1; *BC* 1.18.5) twice. More important is Ottmer's argument (*Rubikon-Legende*, 38) that Caesar had already assembled five of his legions in Gallia Cisalpina when he went to war; this is accepted by Klaus Martin Girardet, "Caesars Konsulatsplan für das Jahr 49: Gründe und Scheitern," *Chiron* 30 (2000): 706 with nn. 122–3; C.T.H.R. Ehrhardt, "Crossing the Rubicon," *Antichthon* 29 (1995): 36–40; Greg R. Stanton, "Why Did Caesar Cross the Rubicon?," *Historia* 52 (2003): 82–4; Robert Morstein-Marx, "Caesar's Alleged Fear of Prosecution and his *Ratio Absentis* in the Approach to the Civil War," *Historia* 56 (2007): 176 with n. 82.

27 As Hirt. *BG* 8.54.4 reports, late in the year 50, Caesar sent his troops into winter quarters in the following way: four legions under the command of C. Trebonius to the territory of the Belgians, and four under the command of C. Fabius to the area of the Haeduns.

28 See above, n. 7.

29 Caes. *BC* 1.23.4. See Loretana De Libero, "Der Raub des Staatsschatzes durch Caesar," *Klio* 80 (1998): 114; Woytek, *Arma*, 30; 41–4.

was still untouched when the senate voted on January 17 to evacuate Rome and to take with them the money from the *aerarium*.³⁰ However, the consuls panicked and fled, so the treasury stayed in Rome for Caesar to take.³¹ To be clear: I do not imply at all that it was a simple task to transport a treasury in an epoch when money was still in coin and precious metal. Many draught animals and vehicles were needed to move great sums, and as a means of transport for heavy loads this was extremely slow.³² Nevertheless, for the senate to have failed to prepare anything, and then to abandon the treasury altogether, was certainly not a strong performance, and does not suggest that the anti-Caesarians made a careful assessment of possible events.

An alternative way to absolve them from the suspicion of a narrow and seriously defective view of the world is to lay the blame on Pompey. He was the experienced general on whom the senate relied for the fight against Caesar, and it is not known exactly how far he communicated his ideas about possible developments, and his own planning in case of war, to the core anti-Caesarian group. However, as we can read in the aforementioned letter to Atticus, Pompey talked frankly to Cicero at the end of December 50 and discussed the imminent war and the abandonment of Rome, and Cicero relayed all this to his friend Atticus without hesitation.³³ Should we really assume that Cicero was Pompey's only confidant in the senatorial class with whom he talked openly? Cicero would have loved that, no doubt, but I do not believe in the uniqueness of his relationship to the great general. So the possibility of abandoning Rome, at least, should not have been completely new to some of the anti-Caesarians.³⁴ Now perhaps the anti-Caesarians could have pushed Pompey to

30 Caes. *BC* 1.14.1–3; D.C. 41.6.5–6. Pompey's explicit order to the consuls to collect the treasury is mentioned in Cic. *Att.* 7.21.2 (February 8, cf. § 1).

31 For the whole affair, cf. de Libero, "Raub des Staatsschatzes," 115–21; Woytek, *Arma*, 30–7.

32 Cf. the calculations of Georg Ürögdi, "Caesar, Marcus Antonius und die im Tempel der Ops aufbewahrten öffentlichen Gelder." In *Les "dévaluations" à Rome. Époque républicaine et impériale*, vol. 2, Actes du Colloque de Gdansk (19–21 octobre 1978) (Rome: École Française de Rome, 1980), 51–2 for the transport of Caesar's funds, stored in his house and in the temple of Ops, to Antonius' house during the night after Caesar's assassination. Ürögdi reckons with burden bearers in those peculiar circumstances. See also Woytek, *Arma*, 33–4 with a shrewd reconstruction of the character of the *aerarium sanctius* and the assumption that Pompey preferred the reserve fund in gold to the stored silver denarii for the reason that higher values could be transported more easily.

33 Cic. *Att.* 7.9.

34 The idea of abandoning the city was definitely already known, see Cic. *Att.* 6.8.2; 7.8.5 (cf. Shackleton Bailey, *Letters to Atticus*, III, 309); 9.7.2 (see above, n. 24); 9.10.6. Cf. 8.11D.6 (Cicero to Pompey): "... deinde de urbe (nam de Italia quidem nihil mihi umquam

take recruitment more seriously after the consul C. Marcellus had assigned him this—legally dubious—mandate on December 1, 50,³⁵ but since war broke out about 40 days later, little could have been done during this brief period. Finally, the ostentatious optimism of being able to resist Caesar's troops easily which Pompey displayed in the last days of 50 and the first of 49³⁶ may have helped his noble allies to suppress any thought of the unpleasant consequences of war, and intensified their disappointment when Pompey informed them that they had to leave Rome and Italy.³⁷ Nevertheless, the fact that the flight of the anti-Caesarian party from Italy was so badly organised that they had to leave behind so many soldiers and so much money was not Pompey's fault alone.

Altogether, I see a wide gap between the completely negative assessments of Caesar in the circle of anti-Caesarian senators from 51 to 49 and their preparations for the worst case scenario, which meant civil war. Or, to put it more pointedly: they thought of Caesar as capable of every misdeed imaginable, but were surprised that he crossed the Rubicon and started a civil war. How can we explain that? I think we should try to conceptualise the inconsistency as the consequence of a peculiar view of the world developed by senators in the 60s and 50s in which they focussed completely on the defence and improvement of their Republic in the political centre.³⁸

ostenderas) ..." So Cicero claims that he had been uninformed about a possible abandonment of Italy.

35 For new recruitment (in addition to the command of the two legions originally designated for the Parthian war) see Plut. *Pomp.* 59.1–2; *Ant.* 5.2; App. *BC* 2.31 (121).

36 Caes. *BC* 1.6.2; Plut. *Pomp.* 57.5–9 (see below, pp. 222–3); 60.7; Caes. 33.4–6.

37 Cic. *Att.* 7.11.3; 13.1–2; 8.16.1; Caes. *BC* 1.30.5 (Cato blames Pompey).

38 Wolfgang Christian Schneider, "Ein *neque* und die römische Republik. Ein textkritisch getriggter Kompromißvorschlag des Senats vom Juni 50 in einem Brief des M. Caelius Rufus (Cic. *Fam.* 8.13)," *Wiener Studien* 117 (2004): 115–50, tried to show that the majority of senators who were neither anti-Caesarians nor adherents of Caesar or Pompey did not vacillate helplessly between the parties, but were able to initiate their own course to promote compromise and avoid war. So they pushed through a *senatus consultum* that Caesar should give up his army and retain his provinces. The pivotal argument is the rejection of a universally accepted correction of the text in Cael. *Fam.* 8.13.2, which is usually reconstructed in the following way: "transierant illuc, rationem eius habendam qui <neque> exercitum neque provincias tradere<t>." Schneider argues that the first *neque*, which is not supported by manuscript evidence, should be omitted, and then the true meaning becomes clear (120–31). While I respect very much the sharp-witted analysis of manuscripts and early editions, I cannot follow the historical conclusions. In fact, I see no need for Schneider's laborious line of argument. Caelius writes to Cicero first that Curio had a neat ending with his intercession (against a motion of the consular M. Marcellus to start to discuss the sending of new governors to Caesar's provinces). The consular had initiated

As is well known, the history of the outbreak of civil war in 49 is a longer one. To my mind, the mutual distrust between Caesar and the anti-Caesarian group of noble and highly respected senators was deeply rooted in the traumatic experiences during his consulship of 59.³⁹ When he took office, Caesar tried to realise the principal projects of his partners Pompey and Crassus, which included the passing of Pompey's measures in the East,⁴⁰ his agrarian legislation,

a decision of the senate to negotiate seriously with the tribune (which means to put him under some unpleasant pressure) to convince him to withdraw his veto, but he did not succeed in the balloting, 8.13.2: "nam cum de intercessione referretur, quae relatio fiebat ex senatus consulto, primumque M. Marcelli sententia pronuntiata esset, qui agendum cum tribunis pl. censebat, frequens senatus in alia omnia iit." As Schneider, Ein *neque*, 134 convincingly emphasizes, Caelius is here using technical expressions of Roman senate procedure. So it was a *discessio*, and M. Marcellus did not succeed in getting many followers on his side because the well-attended senate went to the other side (cf. for this procedure now Jan Timmer, "Auseinandertreten, wenn alle einer Meinung sind—Überlegungen zur *discessio*," *Klio* 91 (2009): 385 with the best evidence in n. 7). After a malicious joke about the sick Pompey, Caelius goes on with the phrase quoted above. Now here he continues with technical language of voting in the senate (*transierant illuc* means to go to one side, cf. Fest. p. 314 Lindsay; see also Schneider 139), thereby explaining in an ironic way that by moving to the other side, the senate majority had in fact given a vote for a Caesarian candidacy while still retaining provinces—and army, to my mind. To be clear: this was not an explicit motion, but only the consequence of the fact that the refusal of the senators to pass a resolution to put the tribunes under pressure perpetuated the *status quo* concerning Caesar's position and privileges (see already Matthias Gelzer, *Caesar. Der Politiker und Staatsmann*. Sixth edition (Wiesbaden: Franz Steiner Verlag, 1960), 165; cf. also Erich S. Gruen, *The Last Generation of the Roman Republic* (Berkeley and Los Angeles: University of California Press, 1974), 482–3).

- 39 For the following observations on the significance of Caesar's first consulship for the deep break between him and his senatorial enemies, cf. Martin Jehne, *Caesar*. 5th edition (München: C.H. Beck, 2015), 35–48; Martin Jehne, "Caesar the Politician." In *The Landmark Caesar*, ed. Kurt Raaflaub and Robert B. Strassler, (New York: Touchstone, forthcoming), 8–12. See also Kurt Raaflaub, "Between Tradition and Innovation: Shifts in Caesar's Political Propaganda and Self-Presentation." In *Cesare: Precursore o visionario?*, ed. Gianpaolo Urso (Pisa: Edizioni ETS, 2010), 143–147. Kurt Raaflaub, "Poker um Macht und Freiheit: Caesars Bürgerkrieg als Wendepunkt im Übergang von der Republik zur Monarchie." In *Zwischen Monarchie und Republik. Gesellschaftliche Stabilisierungsleistungen und politische Transformationspotentiale in den antiken Stadtstaaten*, ed. Bernhard Linke, Mischa Meier and Mereth Strothmann (Stuttgart: Steiner, 2010), 175 sees the stiff opposition of Cato and his friends to Caesar before 60, which is probable. But to my mind, Caesar's behavior during his consulship of 59 made things significantly worse.
- 40 D.C. 38.7.5; App. *BC* 2.13 (46); Plut. *Pomp.* 48.4. Recently, Thilo Rising, "Senatorial Opposition to Pompey's Eastern Settlement. A Storm in a Teacup?," *Historia* 62 (2013): 196–221, emphasized that there is no trace of a grave conflict concerning Pompey's *acta*

and a bailout for the publicans.⁴¹ The three allies faced resolute resistance in the senate, which was not even willing to argue against Caesar's proposals.⁴² In fact, the senate refused to communicate. Caesar's colleague Bibulus continued this policy of outright refusal in the assembly, despite Caesar's insistence that he ought to yield to the will of the people, who were begging for the law for land distributions.⁴³ For all his brilliance, the consul Caesar was blocked.

However, it was inconceivable for him to allow his endeavours to come to nothing. So, when Bibulus and some of the tribunes tried to impose their vetoes in the assembly, Caesar ordered them to be driven out of the forum. Bibulus' *fasces*, the symbols of his supreme power, were broken and a basket full of dung was dumped on top of his head.⁴⁴ The next day, after a final and futile attempt to get the senate to annul Caesar's law,⁴⁵ Bibulus withdrew to his home, where he constantly raised *obnuntiatio*, which Caesar haughtily

in the contemporary sources, but only in later accounts which may be distorted by the knowledge that the so-called first triumvirate was founded with damaging consequences for republican government and a dividing effect for the Roman elite. Moreover, Rising adduces additional indications that the official acceptance was on its way and Pompey and others did not care very much about the delay. The observation that in Cicero's many letters from that period there is no discussion of the matter is a serious objection against an over-dramatizing interpretation of the conflict, but this does not mean that there was no conflict at all. Probably the Romans simply got used to this quarrel over the years from 62 to 59. If—as Rising assumes—the discussion of every single measure of Pompey in the East was routine business, why was it deemed proper to pass a comprehensive law in 59 when Caesar dominated the assemblies? Pompey was probably relieved about the law, if only because it restored his image as a great patron, which required an ability to keep his promises to his eastern clients. For additional argument against Rising's appraisal, cf. Martin Jehne, "Der römische Senat als Hüter des Gemeinnsinns." In *Gemeinsinn und Gemeinwohl in der römischen Antike*, ed. Martin Jehne and Christoph Lundgreen (Stuttgart: Franz Steiner, 2013), 41 n. 96.

41 For a convenient overview of legislation during Caesar's consulship 59, cf. still Giovanni Rotondi, *Leges publicae populi Romani* (1912; Reprint Hildesheim: Georg Olms, 1966), 387–393.

42 D.C. 38.2.1–4.1.

43 D.C. 38.4.2–3.

44 D.C. 38.6.1–3; Plut. *Pomp.* 48.2; *Cat. Min.* 32.3–4; *Luc.* 42.6; *Caes.* 14.9; App. *BC* 2.11 (38–9); Suet. *Iul.* 20.1; Cic. *Vat.* 5. That Bibulus was not at all innocent in this escalation to violence is argued in Martin Jehne, "Blaming the people in front of the people: restraint and outbursts of orators in Roman *contiones*." In *Praise and Blame in Roman Republican Rhetoric*, ed. Christopher Smith and Ralph Covino (Swansea: The Classical Press of Wales, 2011), 117.

45 D.C. 38.6.4; Suet. *Iul.* 20.1. Cf. Jehne, "Blaming the people", 124 n. 43.

ignored.⁴⁶ Following this drastic demonstration of power and recklessness, Caesar was now free to propose additional laws that were well considered and focused on the real problems of the Roman state.⁴⁷ Needless to say, he also amply advanced the personal ambitions of Pompey and Crassus⁴⁸—and of course himself. The cooperative tribune P. Vatinius took care of assigning the provinces Gallia Cisalpina and Illyricum to Caesar for five years.⁴⁹ Later, Transalpine Gaul was added to Caesar's command by senatorial decree.⁵⁰ Yet personal gain does not invalidate reform measures. In no political system can we expect politicians to act in ways that advance public welfare but damage their personal interests. The best we should hope for is that they help the state

46 Cic. *Fam.* 1.9.7; *Vat.* 16–7; 22; Vell. 2.44.5; Plut. *Caes.* 14.9; *Pomp.* 48.5; Suet. *Iul.* 20.1; App. *BC* 2.12 (45); D.C. 38.6.5–6.

47 For Caesar's potential as a statesman, see Kurt Raaflaub, "Caesar the Liberator? Factional Politics, Civil War, and Ideology." In *Caesar against Liberty? Perspectives on His Autocracy*, ed. by Francis Cairns and Elaine Fantham (Cambridge: Francis Cairns Publications, 2003), 45–6; Raaflaub, "Poker um Macht", 166–9; Kurt Raaflaub, "Creating a Grand Coalition of True Roman Citizens: On Caesar's Political Strategy in the Civil War." In *Citizens of Discord. Rome and Its Civil Wars*, ed. Brian W. Breed, Cynthia Damon, and Andreola Rossi (Oxford: Oxford University Press, 2010), 163–4.

48 See also above, n. 40. It is not clear if all those laws were *leges Iuliae*. The ratification of Pompey's *acta* in the East, in particular, is sometimes attributed to the tribune Vatinius; cf. Lewis G. Pocock, *A Commentary on Cicero in Vatinius*, With an Historical Introduction and Appendices (London: University of London Press, 1926), 161–75. John Murphy, "Pompey's Eastern *Acta*." *AHB* 7 (1993): 141 is irresolute, but he feels that Pompey's many measures may have been too numerous for a single law. Rising, "Senatorial Opposition", 211–3 also argues for a *lex Vatinia* in the footsteps of Pocock, relying on Cic. *Vat.* 29: "... fecerisne foedera tribunus plebis cum civitatibus, cum regibus, cum tetrarchis." Yet the *foedera*, the treaties of Rome with formally autonomous powers like the tetrarch Deiotarus, had to be formulated precisely and voted and sworn upon. So it was probably necessary to do this separately after a general acceptance of Pompey's *acta*, and those second steps were the job of Vatinius, who then had to organise a *plebiscitum* for every single treaty (see also Rising, "Senatorial Opposition", 213–4, 215). In any case, Caesar claimed an important part of the merits in bestowing the title of a king on Deiotarus and of the aggrandizement of his territory (*B.Alex.* 68.1, cf. Jehne, "Senat," 42 n. 97). Altogether, it seems to be completely improbable that Caesar should have refrained from being the official *auctor* of the law which was so dear to Pompey and meant such a strong obligation for the great general.

49 For the *lex Vatinia de provincia Caesaris*, cf. the evidence in Rotondi, *Leges publicae*, 392.

50 The resolution had been requested by Pompey, cf. Suet. *Iul.* 22.1; Cic. *Att.* 8.3.3. See Gelzer, *Caesar*, 78–9.

while helping themselves. This is what Caesar tried to do⁵¹—but with grave consequences.

Now Caesar was not the first Roman politician to use violence to push his measures through in the face of senatorial resistance. Yet there is a crucial difference between Caesar's consulship and the tribunates of Tiberius Gracchus and later insubordinate tribunes: previously, the senatorial order had violently eliminated outsiders who had gained the status of independent power.⁵² The killings were a public demonstration that such conduct was not acceptable to the ruling group as a whole. In contrast to the seditious tribunes, Caesar's position of power seemed far more unassailable, even though his record was much worse. For while Ti. Gracchus used the people's assembly to break the tribunician veto and gave rather coherent arguments to justify his actions,⁵³ Caesar employed plain and simple violence in order to prevent the intercession,⁵⁴ and his power lay not only in a certain degree of assent amongst the people, but also in the combined forces of Pompey and Crassus. Another difference was the fact that Caesar not only disregarded the intercessions of his colleague and those of some of the tribunes, but also ignored the religious institution of *obnuntiatio*.⁵⁵ Henceforth, these means of political obstruction lost power and importance, which inevitably had consequences for the whole system. Finally, Caesar secured a five-year governorship for himself, so he was immune from criminal prosecution. From the point of view of the Republican elite, things must have appeared as follows: a consul disregarded all institutional mechanisms meant to prevent the accumulation of individual power and initiative. He ruthlessly followed his own programme. If he succeeded—which appeared

51 Cf. Raaflaub, "Between Tradition and Innovation," 145: "Perhaps more than others, Caesar knew how to combine his own interests with those of the *res publica*."

52 For the violent ending of the famous tribunes and also some less prominent cases, cf. the monograph of Susanne Sigismund, *Der politische Mord in der späten Römischen Republik* (Hamburg: Dr. Kovač, 2008).

53 According to Appian, Ti. Gracchus argued that a tribune who did not act for the people's welfare could no longer be a tribune (App. *BC* 1.16 [51; 53]).

54 See above and n. 44.

55 Cf. Christoph Lundgreen, *Regelkonflikte in der römischen Republik. Geltung und Gewichtung von Normen in politischen Entscheidungsprozessen* (Stuttgart: Franz Steiner Verlag, 2011), 153–4. See also Wilfried Nippel, "Gesetze, Verfassungskonventionen, Präzedenzfälle." In *Eine politische Kultur (in) der Krise? Die "letzte Generation" der römischen Republik*, ed. by Karl-Joachim Hölkeskamp (München: Oldenbourg, 2009), 88–9 on the significance of sacral rulings which seem to have been more easily accepted than tribunician intercession.

all too likely—it was probable that emulators would follow, and the whole Republican system was threatened with obsolescence.

From this point of view, it is not so surprising that a group of senators tried to save the elements that were not yet past rescue. As a compromise, they suggested that Caesar should make all his proposals once again, this time in an orderly manner that did not contradict the sacral laws.⁵⁶ There would be no *obnuntiatio*. Although this was a chance to legitimate his laws for the future and to prevent them from being declared null and void because of the illegal way in which they had been passed,⁵⁷ Caesar rejected the offer. Christian Meier, who analysed the episode years ago, convincingly argued that Caesar's distrust of the senators' sudden flexibility might have played a key role in the situation. Moreover, Caesar might not have had any interest in freeing the senate from its feeling of discomfort.⁵⁸ Although Meier is hesitant to go the extra mile,⁵⁹ it is possible to assume an additional motivation. Caesar's breach of central laws was the chain that bound Pompey to Caesar and made the conquest of Gaul possible. If Caesar had accepted the senatorial offer, he would inevitably have remained a black sheep among the senators whom he had so deeply humbled. But the beneficiaries of his laws, particularly Pompey, would no longer have been bound to protect him and his politics because they had already achieved their goals. If the ratification of Pompey's Eastern settlements and the laws to settle his veterans were unflawed, Pompey was no longer compelled to defend the continuing validity of the other acts of Caesar during his turbulent consulship, but rather would be in a position to let Caesar down without endangering the measures in his favor. Caesar must have made a very realistic assessment of these connections, and so did not accept the senatorial offer.

Why should it interest us to present a lengthy argument on an offer that was never accepted? This episode highlights the fact that in 59 Caesar was already an outsider who did not seriously try to gain readmittance into the ranks. He preferred to rely on laws of dubious legality rather than risk his alliance with

56 Cic. *prov.cons.* 46: "... cum ab illis aliquotiens condicio C. Caesari lata sit ut easdem res alio modo ferret, qua condicione auspicia requirebant, leges comprobabant, ..."

57 Cic. *dom.* 40; *Sest.* 135; Asc. p. 68–9 Clark. Cf. Kai Heikkilä, "*Lex non iure rogata*: Senate and the Annulment of Laws in the Late Republic." In *Senatus populusque Romanus. Studies in Roman Legislation*, ed. Unto Paananen, Kai Heikkilä, Kaj Sandberg, Liisa Savunen, and Jyri Vaahtera (Helsinki: Helsinki University Press, 1993), 117–142; Francesca Reduzzi Merola, *Iudicium de iure legum. Senato e legge nella tarda repubblica* (Napoli: Jovene, 2001), 1–22, and particularly for the laws of Caesar (and Vatinius): 66–71.

58 Christian Meier, "Das Kompromiss-Angebot an Caesar i. J. 59 v.Chr., ein Beispiel senatorischer 'Verfassungspolitik,'" *Museum Helveticum* 32 (1975): 197–208.

59 Meier, "Kompromiss-Angebot", 204.

Pompey and, ultimately, his command in Gaul. The rift between Caesar and his senatorial opponents thereby deepened considerably. In fact, the relationship was never again to be repaired. The determination of the anti-Caesarians who tried to block Caesar's return to Rome with a splendid triumph into a second consulship had its roots in a confrontation that had begun ten years earlier. Senators attempting to preserve their republic had ample reason to distrust Caesar. However, whether or not **their** republic was **the** republic is another matter.

In 51, the consul M. Marcellus began to pursue Caesar's removal from his provincial command without a direct assumption of another consulship. Political machinations and conflicts were intense.⁶⁰ Unfortunately, for all that we have an unusual density of information for those years, we often cannot determine precisely what participants were trying to accomplish by their manoeuvring in public and in the backrooms of politics.⁶¹ This much is clear: Caesar's privilege to stand for the consulship *in absentia*, which had been resolved by a plebiscite in 52,⁶² was directly attacked or indirectly devalued through numerous initiatives in 51 and 50. Meanwhile Pompey had to plot a course between his guarantees for Caesar and his solidarity with his new noble friends, and Caesar had to fight for a smooth return to domestic politics with a policy of flexible response. The anti-Caesarian group ought to have reflected on the escalation of conflict and its possible consequences, on strategies and on the possible actions of their enemy. Perhaps they did. When Caesar began to rely more and more on the intercession of the tribune Curio, Caelius informed Cicero that according to him Caesar would be willing to defend his tribune if Curio was put under massive pressure or even treated roughly, and Caelius further assumed that the anti-Caesarians would be reluctant to pile on the pressure.⁶³ Maybe the anti-Caesarians were aware of the risk. Later, in September 50, Caelius wrote to Cicero that he did not see a chance for the persistence of peace for

60 For the initiative of M. Marcellus and subsequent political maneuvering, cf. Gruen, *Last Generation*, 460–70; Girardet, “Caesars Konsulatsplan,” 689–98.

61 For backroom politics cf. Rosillo-López's chapter in this volume.

62 For the *plebiscitum de petitione Caesaris*, cf. the evidence in Rotondi, *Leges publicae*, 412. See the detailed study of Girardet, “Caesars Konsulatsplan,” 680–89.

63 Cael. *Fam.* 8.11.3: “hoc tibi dico: si omnibus rebus prement Curionem, Caesar defendet intercessorem; si, quod videntur, reformidarint, Caesar, quoad volit, manebit.” The wording does not make clear whether or not defence means military intervention (as Christian Meier, *Caesar* (Berlin: Severin und Siedler, 1982), 411–2 and Girardet, “Konsulatsplan,” 703 assume).

another year.⁶⁴ I cannot imagine that Caelius was alone in his reflection on war and peace. The Marcelli, Lentulus Crus, Cato, Metellus Scipio, all experienced politicians in constant contact with a large number of people, cannot completely have ignored the danger that their political controversy with Caesar could eventually be transformed into an armed conflict. Nevertheless, they continued to push the question of Caesar's return and the laying down of his command to the point at which a decision must be reached—for good reasons of principle, as I have tried to demonstrate. At the same time, they did not prepare seriously for war, but were content with the cooperation of Pompey.

It is interesting that Cato may have been an exception in part—as so often. More than 20 years ago, Helga Botermann published a paper on Cato's political stance in the months before the outbreak of civil war. The basis was her surprising observation that Cato's name is missing from our reports about the activities of Caesar's foes at the end of the year 50.⁶⁵ Moreover, she discovered some references to Cato in Seneca's letters to Lucilius which had been used only for the reconstruction of his Stoic background, but not for his political behaviour in this crucial period. There we find, in the characterization of Cato, that in a situation of division when everybody allied himself either to Caesar or to Pompey, Cato alone remained in the middle position in between, together with the *res publica*.⁶⁶ Relying on this piece of evidence, Botermann assumes that Cato did not actively cooperate with the consul C. Marcellus when he entrusted Pompey with the command over the two legions stationed at Capua at the beginning of December 50, but that Cato spoke against this illegal move.⁶⁷ Yet his position was a consequence of his single-mindedness concerning constitutional rules and traditional practice. When at the beginning of 49 the consul Lentulus Crus attempted to bring Caesar's command to an end, even against the resistance of the Caesarian tribunes Antonius and Cassius, he could rely on the support of Cato, who had pressed for the removal of Caesar from his provinces for a long time.⁶⁸ So Cato did not really work for

64 Cael. *Fam.* 8.14.2: "De summa re publica saepe tibi scripsi me ad annum pacem non videre, et quo propius ea contentio, quam fieri necesse est, accidit, eo clarius id periculum apparet."

65 Cf. Botermann, "Cato," 62–3.

66 Sen. *ep.* 104.30: "Denique in illa rei publicae trepidatione, cum illinc Caesar esset decem legionibus pugnacissimis subnixus, totis exterarum gentium praesidiis, hinc Cn. Pompeius (sat is unus adversus omnia?) cum alii ad Caesarem inclinarent, alii ad Pompeium, solus Cato fecit aliquas et rei publicae partes."

67 Cf. Botermann, "Cato," 79–81.

68 Caes. *BC* 1.4.1; see Vell. 2.49.3. Cf. Botermann, "Cato," 82–3. For the long history of conflict between Cato and Caesar, cf. Raaflaub, "Caesar the Liberator?", 42–6.

a moderation of conflict, but stuck to his principles without caring about the political consequences.

Whatever Cato's position was immediately before the war, there can be no doubt that most members of the core anti-Caesarian group pushed the conflict to decision point. When the *senatus consultum ultimum* was decreed, they should have had some idea of what might happen afterwards. The question of how Caesar would react was inevitable. Ronald Ridley has put together Caesar's options, and has also assessed how reasonable those options were:

"There are really only four possibilities:

1. Stay in Cisalpine Gaul—but that would not be very useful.
2. Retreat to Transalpine Gaul, to the safety of his legions, and wait for his enemies to find him, but that was neither brave nor advancing the problem any nearer a solution.
3. Invade Spain, to deal with the legions on which Pompey obviously placed such great reliance—but that would also be avoiding the central issue and leaving his enemies in control of Italy and the capital. Perhaps it would also be wasting time on a problem which could wait.
4. Invade Italy: this was the vital nerve centre, the possession of which conferred legitimacy and gave access to treasures, and which, being the boldest step, was likely to succeed by sheer surprise. This does admittedly involve a paradox: it was the move which was surely most attractive to Caesar, if we know anything about his personality; his contemporaries must surely have been able to make the same calculation!"⁶⁹

Ridley's reflections on the invasion option seem contaminated by our knowledge of what happened later, but this does not affect his fundamental conclusion: invasion was not a remote idea, but the best step for Caesar compared to all the alternatives. If we accept this, the question of why the anti-Caesarians worked hard for the *senatus consultum ultimum*, but did not prepare for war in Italy, becomes even more pressing. For this, I have only a highly speculative answer: I assume that this behaviour is a consequence of the small world of Roman politics at this time.

To my mind, the outlook of republican politicians was seriously restricted in the last decades of the republic. Politics happened in a territory of about one square kilometre in the city centre of Rome: the *forum* with the *curia*,

69 Ronald T. Ridley, "Attacking the world with five cohorts," *AncSoc* 34 (2004): 152. Cf. my short comments in Jehne, "Caesars Alternative(n)", 141–2.

the Campus Martius, the Capitol, the Circus Flaminius, indeed all the locations for political communication were situated inside this small area, and even the Circus Maximus was only a few steps further. This alone is neither surprising nor unusual. Even modern territorial states have fairly small political and administrative centres. In Vienna, for instance, all the governmental departments and the house of parliament lie within a zone of one kilometre around the famous Stephansdom. However, it was not only the locations of Roman politics that were situated in this small zone, but also the people who actively participated, as they lived there too. Senators loved to reside on the Palatine,⁷⁰ and even when some of them had their houses in other quarters,⁷¹ they were not much further away from the *forum*. *Equites* active as jurors in the courts probably had homes nearby, and the people participating regularly in assemblies and other public events were around anyway.⁷² The Roman Empire expanded, but the political centre did not grow, either in respect of the area where it all happened, or in respect of the people involved.

While this may have been more or less traditional, the behaviour of the elite in the last decades of the Republic changed dramatically in one important aspect: they no longer liked to leave Rome as governors of provinces, but preferred to stay put. Not every consul or praetor did so, but in his careful research, Wolfgang Blösel calculated that at least a quarter, perhaps even half of the consuls between 80 and 53 declined a province, and for the praetors he estimated

70 Cf. for senatorial town houses Hans Beck, "From Poplicola to Augustus: Senatorial Houses in Roman Political Culture," *Phoenix* 63 (2009): 361–87; especially for the Palatine, Manuel Royo, *Domus imperatoriaae. Topographie, formation et imaginaire des palais impériaux du Palatin* (Roma / Paris: "L'Erma" di Bretschneider / De Boccard, 1999), 65–117.

71 Caesar lived in the Subura in the period till he moved to the *domus publica* at the *Via sacra* when he was elected *pontifex maximus* (Suet. *Iul.* 46). Ap. Claudius Pulcher (*cos.* 54) owned a villa at the Campus Martius (Varro *RR* 3.2.5–6), and Pompey had houses on the Carinae and also in the Campus Martius (cf. Israël Shatzman, *Senatorial Wealth and Roman Politics* (Bruxelles: Latomus, 1975), 389). When Caelius was old enough to stand for office, he left the house of his father, which was far away from the *forum*, and rented a flat on the Palatine (so Cic. *Cael.* 17).

72 For the assumption that people attending assemblies regularly were around in the forum and nearby, see Henrik Mouritsen, *Plebs and Politics in the Late Roman Republic* (Cambridge: Cambridge University Press, 2001), 43–6; Martin Jehne, "Who Attended Roman Assemblies? Some Remarks on Political Participation in the Roman Republic." In *Repúblicas y ciudadanos: modelos de participación cívica en el mundo antiguo*, ed. Francisco Marco Simón, Francisco Pina Polo and José Remesal Rodríguez (Barcelona: Publicacions i edicions de la Universitat de Barcelona, 2006), 231–2. The dominant social background of those people is contested, for instance between Mouritsen and Jehne.

the figure to be at least 20 %, probably 38 % of non-governors.⁷³ The high numbers cannot be explained away by presuming individual exceptions. What we have here is a social and political trend. As we know from Cicero, he learnt early in his career about the advantages of being in Rome. When he came back from his quaestorship in Sicily, he met some well-informed men at Puteoli. He expected them to be aware of his deeds in office, but one of the experts did not even know that Cicero had been away in a province, and the other mixed up his quaestorship.⁷⁴ Cicero reflected that he understood that the Roman people had good eyes, but bad ears, so he decided to try to be at the forum every day to heighten his visibility.⁷⁵

Cicero's argument in the speech for Plancius is tactical, no doubt, in that it was useful to explain why Plancius won the elections without needing to resort to bribery.⁷⁶ In another speech, given in defence of Licinius Murena, the fact that Murena had been a provincial governor while his opponent had spent all his time in Rome served as an explanation for the success of Murena.⁷⁷ Nevertheless, it is characteristic that Cicero would consider staying in Rome as a reason for electoral success and serving in the provinces as a reason for failure. Blösel's figures support this: praetors who had not left for a province seem to have been more successful in the race for the consulship than praetors who had governed a province.⁷⁸

It does not seem unreasonable that provincial service was unattractive in the eyes of at least part of the elite. Unjust enrichment at the cost of the provincials had become more difficult due to competition from the publicans who were influential in the Roman courts, and because of the laws of Sulla and Caesar, which defined more precisely what was allowed and what was not.⁷⁹

73 Wolfgang Blösel, "Die Demilitarisierung der römischen Nobilität von Sulla bis Caesar." In *Von der militia equestris zur militia urbana. Prominenzrollen und Karrierefelder im antiken Rom*, ed. Wolfgang Blösel and Karl-Joachim Hölkeskamp (Stuttgart: Steiner Verlag, 2011), 57; 61; 65; Wolfgang Blösel, "Provincial Commands and Money in the Late Roman Republic." In *Money and Power in the Roman Republic*, ed. Hans Beck, Martin Jehne, and John Serrati (Bruxelles: Peeters, 2016), 68–72. Cf. also his forthcoming monograph *Imperia extraordinaria liberae rei publicae—Studien zur Demilitarisierung der römischen Nobilität* (Ms. Habilitationsschrift Köln, forthcoming), chapter v.

74 Cic. *Planc.* 64–6. Cf. Plut. *Cic.* 6.3–4.

75 Cic. *Planc.* 66.

76 Cf. Cic. *Planc.* 67.

77 Cic. *Mur.* 37–8.

78 Blösel, "Demilitarisierung," 69; id., "Provincial Commands," 75–6.

79 Cf. Raimund Schulz, "*Rapaces magistratus?*—Die Möglichkeiten der Statthalter zur Ausbeutung der Provinzen in der späten römischen Republik," In *Von der militia equestris*

So there was a considerable risk of being accused after returning from a province. Even if damnation were not so probable, the accused had to plead for mercy and the prosecutor would denounce every act in the life and career of the accused with the aim of destroying his reputation—altogether an unpleasant event that was better to be avoided. Another point is the fact that a governor would usually make real money only in war,⁸⁰ and there were not many opportunities left for military conflict, while the laws had made it more difficult and more risky to ignore the rules and to attack poor neighbours for personal ambition only. Triumphs were infrequent and were sometimes disputed for a long time.⁸¹ The governorship was therefore only attractive when it was connected with an opportunity to fight a major war, and this was either unpredictable or was assigned to some eminent figures through plebiscite.

That the core group of anti-Caesarian senators had little military experience has been established already.⁸² As a consequence, they depended a great deal on Pompey, not only for leadership in war but also for an assessment of the military situation. However, this was not the only result of civilian career patterns, which had become more popular than ever. These members of the elite did not have much experience as governors either. They were well educated, well trained in rhetoric and law, and astute in political intrigue, but their view of the world was fairly parochial. That the senate constantly deliberated about provincial matters and issued decrees, and that civilian senators had almost as many connections to people and communities across the empire as experienced governors had, is no counterargument, because this was simply routine business which did not really matter. Since provincials could not usually vote and were not present in any case, their influence on Roman politics, which were dominated by the next elections and by voting on controversial laws,

zur *militia urbana*. *Prominenzrollen und Karrierefelder im antiken Rom*, ed. Wolfgang Blösel and Karl-Joachim Hölkeskamp (Stuttgart: Steiner Verlag, 2011), 107–8; Blösel, “Demilitarisierung,” 70; Blösel, “Provincial Commands,” 77–8.

80 Correctly emphasized by Schulz, “*Rapaces magistratus?*,” 101–3 and Blösel, “Provincial Commands,” 76–7.

81 In the post-Sullan Republic, between 80 and 50, we have only 15 triumphs (Crassus’ *ovatio* of 71 included), cf. the list in Tanja Itgenshorst, *Tota illa pompa. Der Triumph in der römischen Republik* (Göttingen: Vandenhoeck & Ruprecht, 2005), 270. Eight of them happened in the 70s, four in the 60s, only two in the 50s. This is not a high quota of triumphs, and the example of C. Pomptinus, who waited for about five years before he was finally allowed to triumph in 54 (cf. Itgenshorst, *Tota illa pompa*, in the Catalogue on CD p. 361–2), was not at all encouraging.

82 See Meyer, *Caesars Monarchie*, 300 (on the senators): “militärisch völlig urteilslos”.

was minimal. As a consequence, civilian senators focussed on internal politics rather than on the empire.

As the view of the world narrowed, political activities in the Roman centre accelerated. Electoral campaigns required huge investments of time, energy, and money, but this did not automatically produce a better opportunity to make results predictable and comprehensible.⁸³ There is sometimes a tendency to assume that strongly established behavior such as Roman handouts for voters, for instance, proves this habit to have been reasonable in a rationally calculated way.⁸⁴ To me, this seems to be a mistaken principle, for humans do not necessarily change their traditional ways of behavior even if the prospect of an adequate benefit becomes increasingly improbable. If there is no reasonable alternative at hand, if hope for deliverance from problematic issues still exists, if individuals are in a competitive situation with others who do the same, then there is a good chance that they will try to succeed by continuing or even intensifying their usual activities. Aloys Winterling called this sort of behavior “involution”, following Clifford Geertz and other anthropologists.⁸⁵ I think this is a suitable way to describe the political situation in Rome in the last years before civil war.

In summer 51, the consul M. Marcellus ordered that a councilman of Novum Comum, who was in Rome for some dispute of law, was to be beaten up. Novum Comum was a new colony which Caesar had founded in accordance with a Vatinius motion.⁸⁶ Marcellus told the man he should go home and show his wounds to Caesar.⁸⁷ The legal background is not entirely clear, but in any case, the whole action enforced the rule that while Romans could not be chastised, a magistrate was allowed to impose corporal punishments on non-Romans. Caesar had probably awarded citizenship inappropriately to

83 Cf. Martin Jehne, “Le système électoral et le désespoir des candidats,” *RHDFE* 87 (2009): 495–513.; see also Martin Jehne, “The Senatorial Economics of Status in the Late Republic.” In *Money and Power in the Roman Republic*, ed. Hans Beck, Martin Jehne, and John Serrati (Bruxelles: Peeters, 2016), 203–4.

84 Cf. Alexander Jakobson, *Elections and Electioneering in Rome. A Study in the Political System of the Late Republic* (Stuttgart: Franz Steiner Verlag, 1999), 22–6.

85 Aloys Winterling, “‘Krise ohne Alternative’ im Alten Rom.” In *Christian Meier zur Diskussion, Autorenkolloquium am Zentrum für Interdisziplinäre Forschung der Universität Bielefeld*, ed. Monika Bernett, Wilfried Nippel, and Aloys Winterling (Stuttgart: Franz Steiner Verlag, 2008), 236–8 (English version: Aloys Winterling, “Christian Meier’s ‘Crisis without Alternative’ in Ancient Rome.” In *Politics and Society in Imperial Rome* (Malden, MA and Oxford: Wiley-Blackwell, 2009), 160–3).

86 Suet. *Iul.* 28.3.

87 Plut. *Caes.* 29.2; App. *BC* 2.26 (98).

some of his colonists,⁸⁸ and then the message was obvious: traditional Roman consuls would not accept the distribution of privileges by a proconsul without the senate's consent. Eduard Meyer goes even further in his interpretation of the episode:

er [sc. Marcellus] wollte eine weithin sichtbare Tatsache schaffen und zeigen, daß die Republikaner sich weder durch Caesars Macht noch durch Pompejus' Unschlüssigkeit beeinflussen ließen, sondern Caesar nur die Wahl ließen, sich entweder zu unterwerfen oder offen zu empören.⁸⁹

In a way, the world of the anti-Caesarians, which they considered the true traditional Republic, had become un-Roman. Obey or fight, be a *vir bonus* and take a firm stand against Caesarian proposals, or be damned.⁹⁰ This was no longer a culture of compromise, one which had been at the heart of the republican system of government for centuries. Political communication was now ossified, organising the world by an almost Manichean dualism between good and bad people and between good and bad proposals.⁹¹

We should not deny the anti-Caesarians' honest wish to save the republic. We find here a reflex to preserve the traditional system in the narrowed form which can be termed involuntional city centre politics—no doubt a monstrous phrase in English. Realistic appraisal of the political and military situation in 50/49 was lacking, as a consequence of those restrictions and reflexes which I have tried to characterize. In the end, they did not really believe that Caesar would dare to attack, because no real Roman would do so, despite the actions of Sulla and Cinna. They believed deeply in the justice and truth of their own argument. Pompey knew what they liked to hear: in June 51, he said at a senate meeting that everybody had to obey the senate.⁹² In September, he

88 According to Cic. *Att.* 5.11.2, it was relevant if the Novocomensis had been a magistrate. For a brilliant, if completely unconfirmable solution cf. Hartmut Wolff, "Caesars Neugründung von Comum und das sogenannte *ius Latii maius*." *Chiron* 9 (1979): 169–87, *passim*.

89 Meyer, *Caesar Monarchie*, 251.

90 That this was the point of view of the anti-Caesarians is clearly implied in the ironical report of Caelius, *Fam.* 8.9.1, on Hirrus, a sinister former tribune, who now spoke against Caesar. Caelius characterizes this sort of behavior in the following way: *civem bonum ludit*.

91 Cf. for Cicero's tendency to dualism between good and bad, Marian Nebelin, *Freiheit und Gewalt. Die Semantik des Politischen bei Cicero* (Diss. Ms. Dresden: 2015 (forthcoming), especially chapter IV 2.

92 Cael. *Fam.* 8.4.4: "nam in disputando coiecit illam vocem Cn. Pompeius, omnes oportere senatui dicto audienti esse."

was asked what should happen when somebody vetoed the senate's discussion on Caesar's provinces after March 1, 50. Pompey specified that it would be the same if Caesar did not obey the senate, or if he incited someone to veto the senate's decree.⁹³

More than a year later, on 1st December 50, the senate was allowed to vote on a motion by Curio that Caesar and Pompey should give up their armies at the same time. An overwhelming majority of senators supported Curio's proposal: 370 in favour, 22 against.⁹⁴ This suggested that most of the senators did not want to risk war and were willing to accept a seemingly fair compromise. The anti-Caesarians were furious, of course, and did not back down. The consul C. Marcellus tried to heal the disaster the next day by pushing the senate to a *senatus consultum ultimum* with dubious rumours that Caesar was crossing the Alps with 10 legions.⁹⁵ When he did not succeed, he went to Pompey with a small group of followers, asked him to save the country, and assigned him the command of the two legions in Italy and the mission of further recruitment.⁹⁶ The fact that the consul and his supporters had no authorisation from the senate for their actions did not matter to them. From their point of view, the senate's vote could not be respected, for it was only a consequence of the wicked manoeuvring of Curio. In their view the anti-Caesarians **were** the senate.

They continued to rely on the support of true Romans in case of need. They probably even believed in the dubious rumour that Caesarian soldiers were already dissatisfied with their commander,⁹⁷ and did not doubt for a minute that Italy, for which they did not care very much in normal political business, would stand up against any rebellious proconsul as a matter of course. When they had managed to decree the *senatus consultum ultimum*, they prepared for

93 Cael. *Fam.* 8.8.9: "cum interrogaretur [sc. Pompeius], si qui tum intercederent, dixit hoc nihil interesse, utrum C. Caesar senatui dicto audiens futurus non esset an pararet, qui senatum decernere non pateretur."

94 App. *BC* 2.30 (118–9); Plut. *Pomp.* 58.6–10; Hirt. *BG* 8.52.4–5. For a reconstruction of the senate meeting(s) which led to the so-called "Schwertübergabe", cf. Botermann, "Cato," 70–81 (with an interesting analysis of this event and especially Cato's role in it). See also Schneider, "Ein *neque* und die römische Republik," 138–50 (cf. already above, n. 38).

95 Plut. *Pomp.* 58.10. Cf. Cic. *Att.* 6.9.5 (see above, n. 21): four legions at Placentia. The ten legions of Marcellus are false, no doubt, but that four legions are correct is argued by Ottmer, *Rubikon-Legende*, 27–38.

96 App. *BC* 2.31 (121–2); Plut. *Pomp.* 58.10–59.2; *Ant.* 5.2; D.C. 40.64.4; 66.1–3; Hirt. *BG* 8.55.1. Cf. Kurt Raaflaub, *Dignitatis contentio: Studien zur Motivation und politischen Taktik im Bürgerkrieg zwischen Caesar und Pompeius* (München: C.H. Beck Verlag, 1974), 29–30; 34–55.

97 See above, n. 22.

war, but evidently did not think they were hard-pressed for time. They seem to have expected Caesar to wait for them in Gaul or to give way immediately. When he attacked they still relied on Italian solidarity. When the message arrived of Caesar's swift advance, unhindered by any resistance, they panicked. Now they sent out their very first embassy to Caesar, and Rome was evacuated without trying to grab at least some of the money in the *aerarium*.

No assessment of the muddled situation in 50/49 can avoid being influenced by our knowledge of what happened later. Nevertheless, I think it is reasonable to claim that politics against Caesar should have been based either on an elevated level of military preparation, or on playing for time to improve the state of preparation. Yet the anti-Caesarians pressed for the final decision against Caesar without sufficient preparation. The only way to absolve them from a deficient assessment of reality is to put the blame on Pompey, but even then the anti-Caesarians are left with the considerable inadequacy that they were unable to judge the situation independently. To my mind, the state of affairs was even worse: Pompey himself was also convinced that Italy would rise against Caesar the moment he, Pompey, gave the signal.⁹⁸ In 50, the communities of Italy celebrated his recovery from a serious illness with public meals and feasts.⁹⁹ For Plutarch, this event was one of the most important reasons for civil war:

For while the public rejoicing was so great, a spirit of arrogance came upon Pompey, which went beyond the calculations based upon facts, and, throwing to the winds that caution which had thus far always given security to his successful achievements, he indulged himself in unlimited confidence and contempt for Caesar's power, feeling that he would need neither an armed force to oppose him nor any irksome labour of preparation, but that he would pull him down much more easily than he had raised him up.¹⁰⁰

And after a report about information that Caesar's soldiers were on the brink of revolt, Plutarch continues:

98 Cf. Robin Seager, *Pompey. A Political Biography* (Oxford: Basil Blackwell, 1979), 157. Raaflaub, *Dignitatis contentio*, 52–4 also believes that Pompey did not assess the situation realistically, but sees his illusions in his undue confidence in a peaceful solution and not in an overestimation of his own strength.

99 Cic. *Tusc.* 1.86; *Att.* 8.16.1; Plut. *Pomp.* 57.1–4; Vell. 2.48.2; D.C. 41.6.3–4; App. *BC* 2.28 (107).

100 Plut. *Pomp.* 57.5–6 (Loeb translation by B. Perrin).

In this way, then, Pompey was elated, and his confidence filled him with so great a contempt for his adversary that he mocked at those who were afraid of the war; and when some said that if Caesar should march upon the city, they did not see any forces with which to defend it from him, with a smiling countenance and calm mien he bade them be in no concern; “For” said he, “in whatever part of Italy I stamp upon the ground, there will spring up armies of foot and horse”.¹⁰¹

The anti-Caesarians failed because political communication failed. They were neither able to take the longing for peace in the senate seriously, nor did they understand that Italy had no reason at all to engage in civil war on their side. They were no longer responsive to reality: whatever happened, they took it only as an affirmation of their position. Even if we are willing to concede that possibly they could not do very much to prepare for war,¹⁰² they should have backed down from their politics of escalation as soon as they recognized this, because they could not afford the military confrontation. Yet they did exactly the opposite. This denial of reality was a consequence of a peculiar narrowing of the Roman political perspective—or so I think.

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¹⁰¹ Plut. *Pomp.* 57.8–9 (Loeb translation by B. Perrin).

¹⁰² The anti-Caesarian senators could have dramatized the Parthian crisis to try to get a decree of the senate for additional recruitment to fight in the east, or for transferring some legions from Spain via Italy. Or, on the contrary, they could have played down the eastern problems and sent an order to Bibulus, the governor of Syria, and Cicero, the governor of Cilicia, to come home with most of their troops (there were four legions in those provinces, cf. the table of Peter A. Brunt, *Italian Manpower, 225 B.C.–A.D. 14* (Oxford: Oxford University Press, 1971), 449). Moreover, they could have called back the troops stationed in Egypt by Gabinius. There would have been a risk that Curio might have vetoed any motion in this direction, but it was not easy to justify a failure to allow new troops to be raised for war against the Parthians or the calling back and dismissal of soldiers after service. There was also a risk that Caesar would have felt pushed to attack, but in this case the situation of the anti-Caesarians would not have been any worse than after the *senatus consultum ultimum*.

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PART 5

Representations of Political Communication



The Reception of Republican Political Communication: Tacitus' Choice of Exemplary Republican Orators in Context

Henriette van der Blom

10.1 Introduction¹

Tacitus' *Dialogus de Oratoribus* depicts the role of oratory in the imperial period, but it does so by comparison with oratory in the Republic.² Through the

- 1 I should like to thank the organiser of the conference on *Comunicación política en el mundo romano: transmisión e intercambio*, Dr. Cristina Rosillo-López, for the invitation and academic discussions, the participants at the conference for helpful comments on my paper, and Andrea Balbo and the publisher's anonymous reader for commenting on versions of this contribution.
- 2 Major works on the *Dialogus* include Roland Mayer, *Tacitus. Dialogus de oratoribus* (Cambridge: Cambridge University Press, 2001); Christopher van den Berg, *The World of Tacitus' Dialogus de oratoribus: Aesthetics and Empire in Ancient Rome* (Cambridge: Cambridge University Press, 2014). More detailed studies include T. James Luce, "Reading and response in the *Dialogus*," in *Tacitus and the Tacitean Tradition*, ed. T. James Luce and Anthony J. Woodman (Princeton: Princeton University Press, 1993), 11–38; C.O. Brink, "History in the *Dialogus de oratoribus* and Tacitus the historian: a new approach to an old source," *Hermes* 121 (1993): 335–49; C.O. Brink, "Can Tacitus' *Dialogus* be dated? Evidence and historical conclusions," *Harvard Studies in Classical Philology* 96 (1994): 251–80; Sander M. Goldberg, "Appreciating Ape," *Classical Quarterly* 49 (1999): 224–37; Sander M. Goldberg, "The faces of eloquence: the *Dialogus de oratoribus*," in *The Cambridge Companion to Tacitus*, ed. by Anthony J. Woodman (Cambridge: Cambridge University Press, 2009), 73–84; David S. Levene, "Tacitus' *Dialogus* as literary history," *Transactions of the American Philological Association* 134 (2004): 157–200; William Dominik, "Tacitus and Pliny on Oratory," in *A Companion to Roman Rhetoric*, ed. Jon Hall and William Dominik (Malden and Oxford: Wiley Blackwell, 2007), 323–338; Andrew B. Gallia, "Potentes and Potentia in Tacitus's *Dialogus de oratoribus*," *Transactions of the American Philological Association* 139 (2009): 169–206; Thomas E. Strunk, "Offending the Powerful: Tacitus' *Dialogus de Oratoribus* and Safe Criticism," *Mnemosyne* 63 (2010): 241–67; Patrick Krage-lund, "Tacitus, Dio, and the 'Sophist' Maternus," *Historia* 61 (2012): 495–506; Christopher van den Berg, "Intratext, declamation and dramatic argument in Tacitus' *Dialogus de oratoribus*," *Classical Quarterly* 64 (2014): 298–315. For discussions of Tacitus' work within broader discussions of imperial reception of the republican past, see Alain Gowing, *Empire and Memory: the representations of the Roman Republic in Imperial Culture* (Cambridge: Cambridge University

speeches of his three main interlocutors, Tacitus debates the impact of the Principate on public oratory and questions the notion that oratory declined under the emperors.³ Certainly, his interlocutors admit that the political situation has changed and with it the framework for public oratory, but they are made to discuss whether the impact is felt the most in terms of oratorical education, venues for oratory, content and style, or the prestige derived from oratory—and they do so in highly eloquent language as Tacitus' implicit comment on the debate. To facilitate their dialogue, Tacitus' interlocutors use examples of orators from the republican past and it is this group of republican orators on which this paper shall focus.

The purpose of this focus is to come closer to an understanding of one of the ways in which imperial authors viewed republican political communicators and the possible media through which they knew of republican orators.⁴ This shall be done through an analysis of Tacitus' choice and employment of these oratorical examples within a context of other imperial works in Latin employing such republican oratorical *exempla*. Velleius Paterculus' *History of Rome*, Quintilian's rhetorical work *Institutio oratoria*, and Pliny the Younger's letters contain passages which list republican orators as especially exemplary, and it is against these lists that Tacitus' choice shall be examined. A comparison with Cicero's exposition of exemplary republican orators in his treatise entitled *Brutus* shall provide further clues to questions of imperial canon(s) of exemplary republican orators, the media for disseminating knowledge of republican oratory and orators, and imperial perspectives on public speech in the republican period.

I shall argue that the extensive overlaps between these lists of republican orators in the four imperial works stem fundamentally from an awareness of Cicero's own attempts at creating a history of oratory at Rome and from the survival of written versions of republican speeches into the imperial period.

Press, 2005), 109–20; Andrew B. Gallia, *Remembering the Roman republic: culture, politics and history under the Principate*, (Cambridge: Cambridge University Press, 2012), 144–77.

3 A decline was argued in the ancient sources: Cic. *Off.* 2.67; Vell. Pat. 1.16–18; Petron. *Sat.* 1–4, 88, 118; Sen. *Controv.* 1, *praef.* 6–7; Plin. *Nat.* 14.2–6; Pers. 1.15–18, 32–6, 121; Juv. 1.1–4, 1.12–14, 7.105–49; Quint. *Inst.* 10.1.80; Long. *Subl.* 44; and by some modern scholars such as George Kennedy, *The Art of Rhetoric in the Roman World* (Princeton: Princeton University Press, 1972). Brink, “History in the *Dialogus de oratoribus*,” 348 argues that the intellectual positions of the interlocutors are pre-Tacitean and historical. Dominik, “Tacitus and Pliny on Oratory,” 325 discusses whether Tacitus himself believed in such a decline.

4 For general discussions of imperial reception of ‘the Republic’, see Sam Wilkinson, *Republicanism during the Early Roman Empire* (London and New York: Continuum, 2012) and Benjamin Straumann, *Crisis and Constitutionalism: Roman Political Thought from the Fall of the Republic to the Age of Revolution* (Oxford and New York: Oxford University Press, 2016).

This conclusion underlines the fact that the transmission of republican political communication took place outside its original oral setting and outside its original political context. The transmission in literary works helps to explain the imperial concern with the style rather than the content of these speeches, and the attention to a small selection of outstanding republican orators indicate both a narrow view of republican oratory and a variation in imperial periodisations of the republican period and its end point. Finally, this study fits into wider scholarly discussions of the role of oratory, declamation and other intellectual pursuits within the changing spaces for public and political discourse in imperial Rome,⁵ and I shall argue that the concern with republican orators and the place of oratory in society expressed through these lists of republican orators form part of a broader set of elite concerns with finding alternative means of communicating socio-political status and political views.

10.2 Republican Orators in the *Dialogus*

Before we go into details of the republican orators mentioned, a brief summary of Tacitus' dialogue itself will help to put the overall discussion in perspective. The work is prefaced by Tacitus' introduction and scene-setting: the interlocutor Maternus has recited his new tragedy *Cato* which caused offence because of its potential political overtones.⁶ His friends Secundus and Aper find him at his house and they start debating the role of oratory in three sections. In the first section, Aper and Maternus discuss whether poetry or oratory is better (5.3–13.6); in the second Messalla and Aper discuss the merits of past and present oratory (15.1–26.8); while in the third and final section, Maternus and Messalla discuss the education of orators in the past and present and the impact of education and political situation on oratorical qualities (28–41.5). Throughout their debates, the three interlocutors use republican and imperial orators to exemplify their points.

A full list of republican orators mentioned in the *Dialogus* includes (in roughly chronological order according to first consulship):

5 For a selection of scholarship see W. Martin Bloomer, *Latinity and Literary Society at Rome* (Philadelphia: University of Pennsylvania Press, 1997) 100, 133–35; Florence Dupont, "Recitatio and the reorganization of the space of public discourse," in *The Roman Cultural Revolution*, ed. Thomas Habinek and Alessandro Sciesaro (Cambridge: Cambridge University Press, 1997), 44–59; Matthew B. Roller, "Pliny's Catullus: the politics of literary appropriation," *Transactions of the American Philological Association* 128 (1998): 265–304.

6 Tac. *Dial.* 2–3; see discussion in Mayer, *Tacitus. Dialogus de oratoribus*, 92–3.

Menenius Agrippa Lanatus (cos. 503 BC)
 M. Porcius Cato the Elder (cos. 195 BC, cens. 184 BC)
 Ser. Servius Galba (cos. 144 BC)
 C. Sempronius Gracchus (tr. pl. 123, 122 BC)
 C. Papirius Carbo (cos. 120 BC)
 L. Licinius Crassus (cos. 95 BC)
 Cn. Pompeius Magnus (cos. 70, 55, 52 BC)
 M. Licinius Crassus (cos. 70, 55 BC)
 M. Tullius Cicero (cos. 63 BC)
 C. Iulius Caesar (cos. 59 BC)
 M. Caelius Rufus (pr. 48 BC)
 C. Licinius Macer Calvus (no magistracies but forensic orator)
 M. Iunius Brutus (pr. 44, cos. desig. 41 BC)
 C. Asinius Pollio (cos. 40 BC)
 M. Valerius Messalla Corvinus (cos. suff. 31 BC)
 the vague reference to Lentuli, Metelli, Luculli and Curiones.⁷

These orators are employed in a variety of ways to illustrate different points by different interlocutors in the dialogue, sometimes in groups and sometimes individually, and with both positive and negative comments on their oratory. Here, I shall not analyse all the specific usages, but rather mention the most striking types of employment of these references to set them into context of our question about the list of orators and the transmission of their oratory.⁸

Some republican orators are used to exemplify a certain oratorical phenomenon, such as that of very young prosecutors, including L. Licinius Crassus, C. Iulius Caesar, Asinius Pollio and L. Licinius Calvus.⁹ Others are used to compare the relative quality between them. For example, the interlocutor Aper argues a gradual refinement of oratorical style over time exemplified by the chronological list of Cato the Elder, C. Gracchus, L. Crassus, Cicero and Corvinus Messalla. Moreover, Aper expresses the hope that L. Licinius Calvus, Caelius Rufus and Cicero did not use the rough and inartistic orators Ser. Servius Galba (cos. 144) and C. Carbo (cos. 120 BC) as their models.¹⁰ In the most strident evaluation of republican orators, Aper argues that some republican orators such as L. Licinius Calvus, M. Caelius Rufus, Iulius Caesar,

⁷ Tac. *Dial.* 12, 16, 17, 20–3, 26, 34–5, 37.

⁸ There is now some scholarship which discusses the structure of the individual interlocutors' speeches and, to some extent, their usage of republican orators; most recently van den Berg, *The World of Tacitus' Dialogus de oratoribus*.

⁹ Tac. *Dial.* 34.

¹⁰ Tac. *Dial.* 17–18.

M. Iunius Brutus and Messalla Corvinus were good in their own time but that their speeches cannot stand up to scrutiny when compared to the level of imperial orators such as that of the interlocutors Messalla, Iulius Secundus and Maternus. Not even Cicero, whom Aper considers the only republican orator brilliant in all respects, can compete with the interlocutors' perfect oratorical style.¹¹ This argument of Aper fits into his picture of a continued and inevitable positive development, but it is nevertheless clear that Aper is made to present Cicero as the best orator of the republican period.¹² There are a few positive remarks about orators other than Cicero in the dialogue, but it would not be fair to say that Tacitus presents a canon of republican orators to stand as role models for imperial orators; the discussion is much more complex than that. Nevertheless, Tacitus' compilation of republican orators offers important clues to the reception of republican oratory and the extent to which republican orators were known in the imperial period. In order to put Tacitus' compilation into context, it shall now be compared to lists of republican orators in other imperial texts.

10.3 Republican Orators in Imperial Prose Literature

By lists of republican orators are meant passages in which an imperial author has gathered a number of republican orators and mentioned general characteristics of their oratory, usually their style. This does not include passages where specific oratorical occasions, specific speeches or fragments of speeches, or specific oratorical phenomena are mentioned. Such passages would be important when analysing in full the reception of republican oratory in the imperial period, but they are not crucial for our question of specific lists. One example of such a list is a passage in Velleius Paterculus:

iam paene superuacaneum uideri potest eminentium ingeniorum notare tempora. quis enim ignorat diremptos gradibus aetatis floruisse hoc

¹¹ Tac. *Dial.* 20–3.

¹² See van den Berg, *The World of Tacitus' Dialogus de oratoribus*, 263–7, 275, 277–9, 286–93. For a discussion of Cicero's reception in the imperial period, see Alain Gowing, "Tully's boat: responses to Cicero in the imperial period," in *The Cambridge Companion to Cicero*, ed. Catherine Steel (Cambridge: Cambridge University Press, 2013), 233–50; and for Cicero's reception as an orator, see Henriette van der Blom "Creating a great orator: the self-portrait and reception of Cicero the orator," in *Autorretratos: la creación de la imagen personal en la antigüedad*, ed. Francisco Marco Simón, Francisco Pina Polo, José Remesal Rodríguez (Barcelona: Universitat de Barcelona, 2016), 87–100.

tempore Ciceronem Hortensium, antequam Crassum Antonium Sulpicium, moxque Brutum Calpidium Caelium Calpurnium, et proximum Ciceroni Caesarem eorumque uelut alumnos Corvinum ac Pollionem Asinium ...

It can seem almost superfluous to mark periods of outstanding talents. For who does not know that at this time, separated by differences of age, flourished Cicero and Hortensius, and before Crassus, Antonius and Sulpicius, and afterwards Brutus, Calpidius, Caelius and Calvus, and closest to Cicero, Caesar and, as if their pupils, Corvinus and Asinius Pollio ...¹³

Here, as part of his excursus on Latin literature, Velleius presents twelve republican orators in a short passage and characterises these orators as men of outstanding talent.¹⁴ Velleius does not refer to any specific speeches or occasions of speech, but simply presents them as brilliant orators. He divides them into periods according to the height of their oratorical career. This is significant in comparison with Cicero's history of oratory at Rome, the *Brutus*, as I shall come back to later.

This passage serves as an example of such lists of republican orators in imperial authors. The table below sets out all the republican orators mentioned in Tacitus' *Dialogus* compared with lists of republican orators in Velleius, Quintilian and a letter from Pliny to Tacitus. The right-hand column sets out which orators were mentioned in Cicero's *Brutus* which shall be important for the subsequent discussion of the background to these lists. Note that Tacitus' republican orators are not all mentioned as part of any list; the full compilation of the orators mentioned by Tacitus shall serve as the starting point for the comparison. The table may not be entirely exhaustive in terms of such lists;

13 Vell. Pat. 2.36.3; my translation, as throughout. *antequam Crassum Antonium Sulpicium* is Manutius' 1571 emendation of *†saneque† Crassum, Catonem, Sulpicium*, followed by William S. Watt, *Velleius Paterculus: Historiarum libri duo* (Leipzig: Teubner, 1998) in the Teubner edition. Maria Elefante, *Velleius Paterculus: Ad M. Vinicius consulem libri duo* (Hildesheim, Zürich and New York: Olms, 1997) (with comm. p. 296) prefers the original reading and argues that Velleius is not always chronological in his narrative and that the coupling of Crassus and Antonius is based on Cicero's coupling. However, I would argue that it makes sense to have an indication of an earlier period (*antequam*), because these orators flourished before Cicero and Hortensius, and to replace *Catonem* (presumably Cato Uticensis) with Antonius who belonged to the generation of Crassus and Sulpicius. Nevertheless, it is important to note that Velleius' list of orators is not unquestionably attested.

14 See Elefante, *Velleius Paterculus*, 45 on Velleius' technique of inserting excurses on culture and literature in his historical narrative.

nevertheless, the significant overlaps in republican orators mentioned in these four imperial works suggest that the comparison is indicative of the choice of republican orators in imperial works of this period.

Republican orators	Tac. <i>Dial.</i>	Vell. Pat.	Quint. 10.1.105– 2.36.2 116; 10.2.25; 12.10.10–11	Plin. <i>Ep.</i> 1.20.4	Cic. <i>Brut.</i>
Menenius Agrippa Lanatus (cos. 503)	X				
M. Porcius Cato the Elder (cos. 195, cens. 184) (3 mentions)	X		X	X	X
Ser. Sulpicius Galba (cos. 144)	X				X
Ti. Sempronius Gracchus (tr. pl. 133) (2 mentions)			X	X	X
C. Sempronius Gracchus (tr. pl. 123, 122) (3 mentions)	X		X	X	X
C. Papirius Carbo (cos. 120)	X				X
M. Antonius (cos. 99)		X			X
L. Licinius Crassus (cos. 95) (3 mentions)	X	X	X		X
P. Sulpicius Rufus (tr. pl. 88)		X			X
Cn. Pompeius Magnus (cos. 70, 55, 52)	X				X
M. Licinius Crassus (cos. 70, 55)	X				X
M. Hortensius Hortalus (cos. 69) (2 mentions)		X	X		X
M. Tullius Cicero (cos. 63) (4 mentions)	X	X	X	X	(X)
C. Iulius Caesar (cos. 59) (4 mentions)	X	X	X	X	X
M. Calpidius (pr. 57) (<i>RE</i> 4) (2 mentions)		X	X		X
Ser. Sulpicius Rufus (cos. 51) (<i>RE</i> 95)			X		X
Cassius? (C. Cassius Longinus, cos. desig. 41, <i>RE</i> 59? Or Cassius Severus, d. AD 32?)			X		
M. Caelius Rufus (pr. 48) (4 mentions)	X	X	X	X	X
C. Licinius Macer Calvus (no magistracies but forensic orator) (3 mentions)	X	X	X		X
M. Iunius Brutus (pr. 44, cos. desig. 41) (3 mentions)	X	X	X		(X)
C. Asinius Pollio (cos. 40) (4 mentions)	X	X	X	X	
M. Valerius Messalla Corvinus (cos. suff. 31) (3 mentions)	X	X	X		
Lentuli, Metelli, Luculli and Curiones	X				

Four orators are mentioned in all four imperial works: Cicero, Caesar, Caelius and Asinius Pollio (indicated in bold). Six orators are mentioned in three works: Cato the Elder, Gaius Gracchus, L. Crassus, Calvus, Brutus and Messalla Corvinus. Finally, three orators are mentioned in two works: Ti. Gracchus, Hortensius and Calpidius. Although this is a rather crude measure for frequency of mention, this overview does give indication of which republican orators were well known and perhaps considered outstanding in the imperial period.

It is worth noting that two of these orators were operating in the period which modern scholars traditionally have considered transitional between the republican to imperial period, namely Asinius Pollio and Messalla Corvinus. In Tacitus' *Dialogus* and in the lists provided by Velleius, Quintilian and Pliny, both are mentioned under republican orators.¹⁵ Apart from the practical perspective of dividing history up in manageable parts, the sources therefore themselves mandate the inclusion of Asinius Pollio and Messalla Corvinus in a consideration of republican orators, even if it presents problems in relation to changes in forensic oratory after Pompeius' court reforms of 52 BC as well as to traditional attempts at periodisation between Republic and Empire.¹⁶ On the other hand, Tacitus himself makes his interlocutor Aper point out that Pollio and Messalla Corvinus lived and spoke in the reign of Augustus and that they are therefore not so far back in time; evidently, periodisation was useful only to a certain extent.¹⁷

15 It is worth mentioning that although the oratorical careers of these orators will not be covered beyond 27 BC in the *Fragments of the Roman Republican Orators* edition, their exclusion from Andrea Balbo, *I frammenti degli oratori romani dell'età augustea e tiberiana* 1–11 (Alessandria: Ed. dell'Orso, 2004–7) suggests that also some modern scholars solved the problem of periodisation between republican and imperial period as did the ancient sources.

16 For more discussion of the problematic inclusion of Pollio and Messalla under republican orators, see van den Berg, *The World of Tacitus' Dialogus de oratoribus*, 199, and pages 263–7, 275, 277–9, 286 for a further discussion of these orators in relation to Tacitus' challenge of periodisations through his interlocutors Aper and Messalla. Pompeius' court reform limited the speaking time for prosecution and defence and this may have had an impact on Pollio's and Messalla's forensic oratory as their forensic careers took place mostly after 52 BC.

17 Tac. *Dial.* 17. For discussion of periodisation in Tacitus and Pliny the Younger in particular, see Matthew B. Roller, "The difference an Emperor makes: notes on the reception of the Republican Senate in the Imperial age," *Classical Receptions Journal: The Legacy of the Roman Republican Senate* 7 (2015): 11–30.

10.4 Evaluations of Republican Orators in Imperial Texts

In order to understand this selection of outstanding republican orators, it is necessary to combine the quantitative approach with a more qualitative consideration of the reasons given for the inclusion of these orators in the lists. If we take the four top orators—Cicero, Caesar, Caelius and Pollio—Cicero is most often presented as the best of all. Quintilian starts off his excursus of great republican orators with a long discussion of Cicero and he argues that it is not without good reason that posterity understands the name of Cicero as the name of eloquence itself (*ut Cicero iam non hominis nomen, sed eloquentiae habeatur*). Quintilian highlights Cicero's polish and charm (*nitor et iucunditas*) and maintains that he should be taken as an *exemplum* of good oratory.¹⁸ Pliny mentions the longer speeches of Caesar, Pollio, Caelius, and "above all Cicero" (*in primis M. Tullium*) as argument against the proposition that good speeches are always short and concise.¹⁹ While Velleius does not single out Cicero,²⁰ Tacitus certainly does and he places great emphasis on Cicero's style. He even lets his interlocutor Aper argue that Cicero was the only republican orator who was brilliant in all aspects, including style, even if he had his problems too.²¹ Evidently, all authors had particular points to make with their emphasis on specific aspects of Cicero's oratory, but none of them questioned Cicero's position as the best republican orator. The emphasis on style, charm

18 Quint. *Inst.* 10.1.112–113. In other parts of his work, Quintilian uses Cicero as the most frequent and qualitatively best example of great (republican) oratory. For discussion of Quintilian's use of Cicero, see the more general discussions in Michael Winterbottom, "Cicero and the Silver Age", in *Éloquence et rhétorique chez Cicéron*, (Entretiens sur l'antiquité classique 28) ed. Wilfried Ludwig (Genève: Fondation Hardt 1982), 237–66; George Kennedy, "Cicero's oratorical and rhetorical legacy", in *Brill's Companion to Cicero*, ed. James M. May (Leiden: Brill, 2002), 481–501; Rita degl'Innocenti Pierini, "Cicerone nella prima età imperiale: luci ed ombre su un martire della repubblica", in *Aspetti della fortuna di Cicerone nella cultura latina: atti del III Symposium Ciceronianum Arpinas: Arpino, 10 maggio 2002*, ed. Emanuele Narducci (Florence: Le Monnier, 2003), 3–54. For Quintilian's paradigm-shifting portrait of Cicero as orator, see Gowing, "Tully's Boat."

19 Plin. *Nat.* 1.20.4. Pliny uses Cicero's oratory as a foil for his own oratorical activities in *Ep.* 1.2, 1.5, 1.20, 3.21, 9.26. For discussion of Pliny on Cicero as an orator, see Andrew M. Riggsby "Pliny on Cicero and oratory: self-fashioning in the public eye," *AJPh* 116 (1995): 123–35.

20 For discussion of Velleius' use of Cicero, see Alain Gowing, "The imperial republic of Velleius Paterculus," in *The Blackwell Companion to Greek and Roman Historiography*, ed. John Marincola (Malden, Mass.: Wiley Blackwell, 2007), 411–18; Gowing, "Tully's Boat," 237–8.

21 Tac. *Dial.* 22.1–2, 25.3.

and polish probably reflects Cicero's careful choice of words, attention to correct style, and concern for rhythm in period endings, which imperial readers of his speeches could observe, but certainly also an imperial focus on oratorical style rather than content of speeches.²²

Caesar is said by both Tacitus and Quintilian to be the one orator who could have competed with Cicero for the position as best orator of his day had he devoted the necessary time to do so.²³ Quintilian suggests that Caesar's oratorical strengths lay in his *uis* (strength), *acumen* (cleverness), *concitatio* (motivation), and *elegantia* (elegance in choice of words and in speaking).²⁴ This evaluation is supported in other imperial authors such as Suetonius and Gellius, and Tacitus makes his interlocutor Messalla suggest that it was Caesar's mother Aurelia who was responsible for the good language of her son, even if we also have information about his excellent education at Rome and abroad.²⁵ As with Cicero, it is mostly Caesar's style that is emphasised, although we also hear something about this *acumen* and motivation.

Lower down from Cicero and Caesar, but nevertheless in the top of republican orators mentioned, Caelius Rufus is said by Quintilian to have had

22 And not necessarily a positive attitude to Cicero's style, as pointed out by Kennedy, "Cicero's oratorical and rhetorical legacy," 484–7. For a discussion of the reception of Cicero's oratory in the imperial period, see van der Blom, "Creating a great orator." For a discussion of the reception of Cicero generally, Tadeusz Zieliński, *Cicero im Wandel der Jahrhunderte* (Leipzig: Teuber, 1912) is a classic.

23 Tac. *Dial.* 21.5; Quint. *Inst.* 10.1.114. Plutarch echoes this view: Plut. *Caes.* 3.1–2.

24 Quint. *Inst.* 10.1.114, 10.2.25.

25 Suet. *Jul.* 55; Gell. *NA* 16.8, 19.8.3; Tac. *Dial.* 28.4–6. Caesar's education: Cic. *Brut.* 252; Plut. *Caes.* 3.1; Suet. *Gram. et rhet.* 7; Suet. *Jul.* 4.1. For scholarship on Caesar's oratory, see Eduard Norden, *Die antike Kunstprosa* (Leipzig: Teubner, 1898), 209–12; Alfred Klotz, "Iulius (Caesar)," in *RE* 19 (1917): 186–275; Karl Deichgräber, "Elegantia Caesaris, Zu Caesar's Reden und Commentarii," *Gymnasium* 57 (1950): 112–23; Anton D. Leeman, *Orationis Ratio* (Amsterdam: Hakkert, 1963), 156–9; Kennedy, *Art of Rhetoric*, 283–92; Anton D. Leeman, "Julius Caesar, the Orator of Paradox," in *The Orator in Action and Theory in Greece and Rome: Essays in Honor of G.A. Kennedy*, ed. Cecil W. Wooten (Leiden: Brill, 2001), 97–110; Catherine Steel, "Lost Orators of Rome," in *A Companion to Roman Rhetoric*, ed. Jon Hall and William Dominik (Malden and Oxford: Wiley Blackwell, 2007), 244; Elaine Fantham, "Caesar as an Intellectual," in *A Companion to Julius Caesar*, ed. Miriam Griffin (Chichester: Wiley Blackwell, 2009), esp. 145–8; Michael von Albrecht, "Caesar und die Macht des Wortes," in *Cesare: precursore o visionario?*, ed. Gianpaolo Urso (Pisa: ETS, 2010), 223–39, who discusses Caesar's rhetoric across a selection of speeches, letters and *commentarii*-passages. For a full discussion of Caesar as an orator, see Henriette van der Blom, *Oratory and Political Career in the late Roman Republic* (Cambridge: Cambridge University Press, 2016), 146–180.

ingenium ('talent') and *urbanitas* (which we can translate as 'wit').²⁶ Tacitus' Aper is made to argue that Caelius' speeches possess some of the *nitor* ('polish') and *altitudo* ('elevation of style') which is otherwise a characteristic of imperial oratory. On the negative side there are his commonplace phrases, his clumsy arrangement and his badly constructed periods, which all seem rather old-fashioned to Aper (*sordes autem reliquae uerborum et hians compositio et inconditi sensus redolent antiquitatem*).²⁷ This is not an entirely flattering portrait of Caelius' oratory, but it fits into Aper's argument of the development of oratory over time and the focus on style that we observed in the evaluations of Cicero and Caesar.²⁸

Asinius Pollio is credited by Quintilian with outstanding *inuentio* (ability to think up arguments) and *diligentia* ("diligence"), as well as substantial *consilium* ("good sense") and *animus* ("spirit").²⁹ But Tacitus' Aper suggests that Pollio must have developed his style by reading the speeches of the early and rough orators Menenius and Appius (Claudius Caecus) since his style is harsh and unadorned (*durus et siccus*).³⁰ This is as much as we hear about Pollio and neither Velleius nor Pliny specify what made Pollio's oratory stand out. The reason is not that there were no speeches of Pollio in circulation since the interlocutor Maternus mentions a forensic speech of Pollio *pro heredibus Urbiniae*, which must have been in circulation since Quintilian and later grammarians refer to specific arguments and formulations made by Pollio in this speech. And there were other speeches by Pollio in circulation, too.³¹ Quintilian does not focus

26 Quint. *Inst.* 10.1.115.

27 Tac. *Dial.* 21.3–4.

28 See van den Berg, *The World of Tacitus' Dialogus de oratoribus*, 281–2 for discussion of Aper's characterisation of Caelius as orator, and pages 263–7, 275–82 on Aper's view of oratory's development over time.

29 Quint. *Inst.* 10.1.113, 10.2.25.

30 Tac. *Dial.* 21.7. Tacitus also refers to Pollio as an orator in §§ 12, 15, 17, 25, 34, 38. Van den Berg, *The World of Tacitus' Dialogus de oratoribus*, 282–3 discusses the context of Aper's characterisation of Pollio.

31 Quint. *Inst.* 4.1.11, 7.2.4–5, 7.2.26; Charisius *Gramm.* 98.3–5 (*ORF* no. 174, frs. 29–31; Balbo, *I frammenti degli oratori romani* vol. 1, F26–28). Other speeches of Pollio mentioned for specific elements too: Quint. *Inst.* 9.2.34–5, 9.3.13, 10.1.22 (*ORF* no. 174, frs. 26, 32, 36; Balbo, *I frammenti degli oratori romani* vol. 1, F30, F34); Charisius *Gramm.* 100.23–5, 124.4–7 (*ORF* no. 174, frs. 40–1). Indeed, Andrew Wright, "Velleius Paterculus and L. Munatius Plancus," *CPh* 97 (2002): 178–84 has suggested that Velleius used Pollio's speeches as a supplementary source for this Roman history. For Pollio's oratory, see Jacques André, *La vie et l'oeuvre d'Asinius Pollion* (Paris: Klincksieck, 1949), 68–73. For a discussion of the dialogue's theme on centumviral courts, see van den Berg, *The World of Tacitus' Dialogus de oratoribus*, 190–202.

entirely on Pollio's style in his evaluation, but style is considered. Together with the evaluations of Cicero, Caesar and Caelius as exemplary republican orators, the imperial sources seem to focus on style to a considerable degree.

10.5 Implications of the Lists of Republican Orators

This imperial focus on style and our question about the choice of exemplary republican orators in these imperial sources raise at least two further questions: one is about the extent to which republican speeches were read and circulated in the imperial period and the impact such a possible circulation may have had on the imperial impression of republican orators; and the second is whether there was a tradition of good republican orators which was less dependent on careful readings of specimens of republican speeches.

Answering the first question would demand a full study of all republican speeches circulating in the imperial period. This is a task which will become possible to do once the *Fragments of the Roman Republican Orators* project is complete.³² What can be said at present is that Cicero's speeches circulated in the first century AD because they were seen as examples of good Latin prose and good Latin oratory.³³ Caesar circulated some of his speeches himself, including his *divinatio* and court speech from his early prosecution of Dolabella. Other orations were examined by Augustus in an attempt to sort out his adoptive father's oratorical record, and further speeches were read by later imperial

32 Except for Cicero's speeches which are excluded in the edition.

33 Quintilian's extensive references to Cicero and a large number of his speeches testify to the widespread use of Cicero in rhetorical training, while the references in Seneca's *Controversiae* and *Suasoriae* and in Asconius' works illustrate the speeches available to the declamatory schools of the Augustan period and in the AD 50s: Robert A. Kaster, "Becoming 'CICERO'", in *Style and Tradition: Studies in Honor of Wendell Clausen*, ed. P. Knox & C. Foss (Stuttgart: Teubner, 1998), 253–4; Bruce A. Marshall, *A Historical Commentary on Asconius* (Columbia: University of Missouri Press, 1985), 20. Papyrological evidence from late first century BC up until the fifth century AD shows that the reception of Cicero was not only within the literary elite, but was widespread in schools: Richard Seider, "Beiträge zur Geschichte und Paläographie der antiken Cicerohandschriften," *Bibliothek und Wissenschaft* 13 (1979): 101–49. See also Leighton D. Reynolds (ed.), *Texts and Transmission: a survey of the Latin classics* (Oxford: Clarendon Press, 1983), 55–6; Teresa Morgan, *Literate education in the Hellenistic and Roman worlds* (Cambridge: Cambridge University Press, 1998), 96–100; Kennedy, "Cicero's oratorical and rhetorical legacy," 481, 488; van der Blom, "Creating a great orator."

authors such as Gellius.³⁴ No imperial source says directly that orations of Caelius were circulated, but Quintilian and Seneca seem to quote from some speeches. This does not mean that full speeches were circulating, but there was at least some knowledge of details in Caelius' orations.³⁵ Finally, as mentioned above, several speeches of Pollio appear to have been in circulation. There seems to have been substantial differences in both quantity and quality as to speeches surviving from these four orators with Cicero dominating the field. This might then help to answer the second question in due course.

The second question would also necessitate a full study of all imperial mentions of republican orators. What shall be offered here are some considerations of the relative chronological relationship between the four imperial authors included in this small-scale study. Velleius is our first author, writing under the emperor Tiberius. Although the passage from his work discussed above does not give any indication of the relative quality of the twelve orators mentioned, his subdivision of them into periods is striking and evokes Cicero's *Brutus*. The relative chronology between Quintilian's *Institutio*, Tacitus' *Dialogus* and Pliny's letter to Tacitus is difficult to ascertain because the dating of all three works are relatively uncertain yet all around AD 100. Quintilian's work was probably finished in AD 95,³⁶ while Tacitus' was written after Quintilian's and probably between AD 98 and 103.³⁷ Pliny, who was a pupil of Quintilian and a friend of Tacitus, wrote his letters between AD 96 and 108. Sherwin-White suggests that letter 1.20 is impossible to date for certain but may belong to the earliest group of Pliny's letters.³⁸ If this is true, Pliny's letter to Tacitus was written after Quintilian's work but before Tacitus' dialogue. Although the three authors may not have agreed about the state of oratory in their own day, they operated within the same intellectual circles, probably read the same literature and therefore may have tapped into the same tradition of republican orators.³⁹ Velleius' list overlaps considerably with those in the later imperial authors. Only two out of

34 Schol. Bob. *Sest.* 130.9–12St; Suet. *Jul.* 6, 55.1–4; Quint. *Inst.* 1.5.63; Tac. *Dial.* 21.6; Gell. *NA* 4.16.8, 5.13.8, 13.3.5; Diom. *Ars Gram.* 400.20–21.

35 Quint. *Inst.* 1.5.61, 1.6.29, 1.6.42, 4.2.123–4, 9.3.58; Sen. *Ep.* 113.26.

36 The dating is based on various internal references, see Donald A. Russell, *Quintilian: the orator's education* (Cambridge, Mass.: Harvard University Press, 2001), vol. 1, 2–3.

37 Brink, "Can Tacitus' *Dialogus* be dated?"

38 Adrian N. Sherwin-White, *The Letters of Pliny: a Historical and Social Commentary* (Oxford: Oxford University Press, 1966), 132. There is also a link in terms of content between Tacitus' *Dialogus* and Pliny's *Panegyricus* to Trajan; cf. Dominik, "Tacitus and Pliny on Oratory," 328–9.

39 Van den Berg, *The World of Tacitus' Dialogus de oratoribus*, 241–93 (esp. 245–7) compares the selection of republican orators in Quintilian's work with that of the *Dialogus*.

the 22 orators listed in the table above figure in Quintilian, Pliny and Tacitus, but not in Velleius (Cato the Elder and C. Gracchus), while four orators figure in Velleius, Quintilian and Tacitus, but not in Pliny (Licinius Crassus, Macer Calvus, Iunius Brutus and Messalla Corvinus). This overlap suggests that the tradition of exemplary republican orators was established already at the time of Velleius, that is, in the early part of the first century AD.

The tradition may not have developed very smoothly, however, but may have fluctuated. A parallel may be found in the reception of Cicero generally in the first century AD: the sporadic references to Cicero in the first part of the first century AD contrast with the more sustained attention given to Cicero as orator, author and, eventually, politician in the late first century AD, until becoming an *exemplum* of the great orator around AD 100 when Quintilian, Tacitus and Pliny were writing.⁴⁰

10.6 Origin of a Tradition of Republican Orators

There are good reasons to suggest that the tradition of republican orators going into the imperial period derived, at least partly, from Cicero. Cicero's careful circulation of written versions of his speeches and of rhetorical and philosophical treatises meant that his public profile as a brilliant orator was widespread in his own time and afterwards: his speeches became school book exercises already in his own day and, together with the treatises, these works argued and exemplified Cicero's oratorical skills.⁴¹ Apart from Cicero himself as an oratorical *exemplum*, his works contain a great number of historical *exempla*, including examples of orators.⁴² Most notably, his rhetorical works *De oratore* and *Brutus* discuss and project Cicero's understanding of oratory at Rome in historical and contemporary perspectives. The *De oratore* sets up several generations of orators as exemplary with L. Licinius Crassus and Marcus Antonius

40 Gowing, "Tully's Boat"; van der Blom, "Creating a great orator."

41 Especially in the *Orator* Cicero sets himself up as an oratorical role model. For discussion, see Henriette van der Blom, *Cicero's Role Models: the Political Strategy of a Newcomer* (Oxford: Oxford University Press, 2010), 303–7. For Cicero's circulation of speeches as school book examples, see Wilfried Stroh, *Taxis und Taktik. Ciceros Gerichtsreden* (Stuttgart: Teubner, 1975), 21, 52–4; for Cicero's reasons for publishing a speech or not, see Jane W. Crawford, *M. Tullius Cicero: The Lost and Unpublished Orations* (Göttingen: Vandenhoeck & Ruprecht, 1984), 3–9; for Cicero's speeches as school book examples of good Latin oratory after Cicero's death, see Reynolds, *Texts and Transmission*, 55–6.

42 On Cicero's use of *exempla*, see van der Blom, *Cicero's Role Models* with further references.

(consuls in the 90s BC) as the most prominent.⁴³ Van den Berg has recently discussed the influence of *De oratore* on Tacitus' *Dialogus* and while he does not discuss the selection of exemplary orators in either work in detail, he carefully and convincingly shows the close relationship between the two works; the *Dialogus* is written within a tradition of rhetorical works in which the *De oratore* played a major part.⁴⁴

However, it is in the *Brutus* that the links with the later imperial lists of republican orators become most prominent. Tacitus himself has the interlocutor Messalla mention the treatise as a repository of earlier orators.⁴⁵ In his description of orators throughout Roman history, Cicero offers knowledge of a large number of republican orators, an attempt to divide these many orators into groups according to the period in which they operated, and a framework for evaluation of orators based on oratorical skill and political outlook.⁴⁶ While the periodisation is not taken over indiscriminately by Tacitus, his interlocutors use periods themselves when discussing earlier orators, yet point out some of the problems of periodisation in a dual response to Cicero's *Brutus*.⁴⁷ Quintilian's references to republican orators are also characterised by divisions into periods, while Velleius explicitly splits up his list into eras. Moreover, Cicero's descriptions of orators and language are reused by his imperial

43 For discussion of these generations in light of a Ciceronian history of oratory at Rome, see Henriette van der Blom, "Ciceronian constructions of the oratorical past," in *Omnium Annalium Monumenta*, ed. Kai Sandberg and Christopher Smith (Leiden and Boston: Brill, forthcoming).

44 Van den Berg, *The World of Tacitus' Dialogus de oratoribus*, 208–40 discusses the intertextuality, including the themes of paucity of good orators, education and cultural acquisition as well as the Ciceronian language and dialogue framework adopted by Tacitus. See also Michael Winterbottom, "Returning to Tacitus' *Dialogus*," in *The Orator in Action and Theory in Greece and Rome: Essays in Honor of G.A. Kennedy*, ed. Cecil W. Wooten (Leiden: Brill, 2001), 138 for further parallels between *De oratore* (and *Orator*) and the *Dialogus*.

45 Tac. *Dial.* 30.3: *notus est uobis utique Ciceronis liber qui Brutus inscribitur, in cuius extrema parte (nam prior commemorationem ueterum oratorum habet) sua initia suos gradus, suae eloquentiae uelut quandam educationem refert.* ("You certainly know Cicero's book, which is called Brutus, in which he narrates in the final part (for the first part contains a commemoration of the older orators) his beginnings, his stages, and the education, as it were, of his eloquence"). See van den Berg, *The World of Tacitus' Dialogus de oratoribus*, 243 for discussion of this passage.

46 On Cicero's criteria for inclusion of orators in the *Brutus*, see Catherine E.W. Steel, "Cicero's *Brutus*: the end of oratory and the beginning of history?," *Bulletin of the Institute of Classical Studies* 46 (2003): 195–211.

47 On Tacitus' interlocutors' discussion of periodisation seen in context of the *Brutus*, see van den Berg, *The World of Tacitus' Dialogus de oratoribus*, 263–7, 275, 277–9, 286–93.

successors, most notably by Quintilian's inclusive approach to republican history and by Tacitus' more exclusive approach.⁴⁸ Finally, all of the orators mentioned four, three or two times in our imperial lists of republican orators, apart from Pollio and Messalla Corvinus who peaked after the *Brutus* appeared, are given considerable space in the *Brutus*. The table above shows which orators were mentioned in the *Brutus* but not the extent or quality of Cicero's mention. However, it is notable, when reading the *Brutus*, that the orators covered by most of our four imperial sources receive more attention from Cicero himself than those covered by just one imperial source. On the basis of these lists, it would seem that Cicero helped shape the history of oratory at Rome in a way which influenced these imperial authors in their selection and description of republican orators.

10.7 Concluding Thoughts and Further Perspectives

The quantitative approach to orators mentioned in the imperial sources has suggested not only which orators were remembered but also which orators were more likely to have been overlooked or perhaps even forgotten. It is striking that Tacitus' interlocutors do not mention Tiberius Gracchus, M. Antonius or Hortensius, who were all highly influential orators in their own time, according to Cicero's *Brutus*, but limited the circulation of their speeches in written form.⁴⁹ While Quintilian refers to them (even if not all in the passages scrutinised above), his very inclusive approach is perhaps not representative of the general reception of republican orators without a written record to

48 Quint. *Inst.* 12.11.22. On the parallels between Cic. *Brut.* and Quint. *Inst.* / Tac. *Dial.*, see van den Berg, *The World of Tacitus' Dialogus de oratoribus*, 241–93.

49 According to Cicero, Antonius refused to circulate written speeches because he wanted to keep open the option of denying earlier statements (Cic. *Cluent.* 140). Cic. *Brut.* 91–2 discusses further possible motivations for not circulating written versions of speeches. Cic. *Brut.* 104 says that there were written speeches of Tiberius Gracchus in circulation (*Gracchi habemus orationes*) but not which ones or how many; by comparison with the testimonia about circulation and seemingly verbatim fragments of his brother's oratory (testimonia: Cic. *Brut.* 125–6; *Tusc.* 3.49; Plin. *Nat.* 8.33; fragments: no. 48 in Enrica Malcovati, *Oratorum Romanorum Fragmenta Liberae Rei Publicae* (Torino, Paravia: 1976 (4th ed.) and discussion in van der Blom, *Oratory and Political Career*, ch. 3), it seems that Tiberius circulated a limited number of speeches. We only know of one of Hortensius' many speeches, his defence of Messalla in 51 BC: Cic. *Brut.* 328; Val. Max. 5.9.2.

sustain their memory.⁵⁰ Moreover, his use of Marcus Antonius shows his debt to Cicero's rhetorical treatises rather than to written speeches circulated by the orator himself.⁵¹ Tacitus' selection of republican orators in the *Dialogus* indicates clearly that the memory and reception of such orators in the imperial period was highly dependent on their written presence. The example of Cicero's fluctuating reception in the first century AD suggests, however, that the relationship between the political significance of these orators in their own time and their (changeable) popularity in the imperial period was more complex and would merit further study. Furthermore, this conclusion about written speeches influencing the imperial memory of republican oratory has a further implication, namely that the transmission of republican political communication (whether speeches delivered in the senate, the *contio* or the courts) and its practitioners took place outside its original political context and instead within a literary context of historical writing, literary letters and treatises on oratory.⁵²

The discussion of these lists of republican orators have raised questions about periodisation and style, too. Cicero and his imperial successors lived in a society much concerned with the past and, since Cicero's time if not before, with creating chronologies and periods of history.⁵³ Cicero's periodisations in the *Brutus* must be seen in this cultural context, but Tacitus questions this concept through his interlocutors who present conflicting notions of periods as either static (Maternus) or developing (Aper) and as strictly defined (Maternus) or blurred (Aper). Already here we see a change in attitude to republican oratory as one which cannot simply be understood as neatly divided into periods,

50 Ti. Gracchus: Quint. *Inst.* 5.13.24 (not as orator), 7.4.13; M. Antonius: Quint. *Inst.* 2.15-7, 2.17.6, 3.1.19, 3.6.45, 7.3.16, 8.pr.13, 9.3.8, 9.3.171, 12.1.21, 12.9.5; Hortensius: Quint. *Inst.* 1.5.12, 2.1.11, 3.5.11, 4.5.24, 6.3.98, 8.3.35, 10.1.23, 10.5.13, 10.6.4, 11.2.24, 11.3.8, 12.7.4, 12.10.11, 12.10.27.

51 Van der Blom, "Ciceronian constructions of the oratorical past."

52 Since we do not have extant political speeches from the imperial period, apart from Claudius' speech on the Gallic senators captured on the Lugdunum Tablet and Pliny's *Panegyricus*, it is unclear to what extent republican oratory and political communication was employed within a political context. Close scrutiny of the fragments in Balbo, *I frammenti degli oratori romani*, might give a little information, but hardly the full picture. For the debt to Cicero in the *Panegyricus*, see Gesine Manuwald, "Ciceronian praise as a step towards Pliny's *Panegyricus*," in *Pliny's Praise: the Panegyricus in the Roman World*, ed. Paul Roche (Cambridge: Cambridge University Press, 2011).

53 Denis Feeney, *Caesar's Calendar: Ancient Time and the Beginnings of History*, (Berkeley and Los Angeles: University of California Press, 2007), 7–42 on the cultural habit of creating timeframes and, on pages 22–23, on the works of Cornelius Nepos and T. Pomponius Atticus, the latter directly influencing Cicero's *Brutus*: Cic. *Brut.* 15; Nep. *Att.* 18.1–2.

but has to be qualified and questioned. This explains, among other things, the inclusion of Asinius Pollio and Messalla Corvinus in the lists of republican orators: where does the Republic end and the imperial period begin?

Another concern of our imperial authors is style, especially in the *Dialogus*. The republican orators included are characterised mainly on the basis of their style and to some extent their delivery, much less on their selection of material and arguments (*inuentio*), arrangement of arguments (*dispositio*) or memory (*memoria*) which were all discussed at length in Cicero's rhetorical treatises. This change in emphasis related to the new political situation, in which orators of the imperial age tried to obtain oratorical fame and prestige through their brilliant displays of style rather than well-thought out arguments.⁵⁴ As Aper is made to say in the dialogue, there is no longer time for long-winded speeches because the audience demands snappy and elegant speeches which satisfy their highly developed taste for aesthetics and literature.⁵⁵ Not even Cicero, the pinnacle of republican oratory and famous for his stylistic lustre, would have been tolerated. Indeed, oratory performed as part of political activities furthering governmental administration diminished under the emperors, and scholars have identified alternative strategies adopted by members of the imperial intellectual and political elite to replace the lack of traditional status-enhancing activities: declamation and its focus on intricate argument and brilliant style as well as recitation of (own) works of literature became new ways to show elite rank, and such activities therefore became new means 'for controlling the distribution and flow of power in society', as Roller argues.⁵⁶ In this way, these seemingly intellectual activities became political activities too, because they helped to create hierarchies of belonging to the intellectual and political elite. Therefore, the imperial focus on style was not just an aesthetic concern, but a highly competitive manner of communicating socio-political status and (more or less veiled) political views.

Future studies will help to analyse the extent to which the imperial reception of republican oratory through a written record has coloured the presentation

54 Jean-Michel David, "Formes du prestige oratoire à Rome, sous la République et le Haut-Empire," in *Le Prestige. Autour des formes de la différenciation sociale*, ed. Frédéric Hurlet, Isabelle Rivoal, and Isabelle Sidéra (Paris: Éditions de Boccard, 2014), 35–45.

55 Tac. *Dial.* 20.1–3.

56 Roller, "Pliny's Catullus: the politics of literary appropriation," (citation page 300), who focuses on Pliny's use of Catullan-style poetry as status-enhancing activity. For discussion of the role of declamation, see Bloomer, *Latinity and Literary Society at Rome*, 110, 133–35; for *recitatio*, see Florence Dupont, "Recitatio and the reorganization of the space of public discourse," 44–45.

of republican orators. The engagement through written speeches only may help to further explain the focus on style rather than memory and gestures, and perhaps even content. The written medium and the changed political situation made oratorical style the more accessible and the more prudent choice of focus for authors and oratorical practitioners of the imperial period interested in republican orators and their speeches.

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Retouching a Self-portrait (Or How to Adapt One's Image in Times of Political Change): The Case of Martial in the Light of Pliny the Younger

Rosario Moreno Soldevila

11.1 Introduction

Despite their different origins, age and status, Martial and Pliny the Younger formed part of the same web of social relations in Rome at the turn of the first century AD.¹ They paid homage to each other in two compositions, an epigram through which Martial offered his friend a book of poems, and a letter in which Pliny lamented the epigrammatist's death.² Yet, they belonged to diverse social and literary backgrounds. Martial was a knight coming from Hispania; Pliny a senator, nephew and adoptive son of a prestigious character, Pliny the Elder. Martial had devoted his artistic talent to a minor literary genre, the epigram, seeking the patronage of myriad friends who were higher in the social ladder.³ Pliny was also very fond of literature, and, although he flirted with minor poetry amongst other genres, he dreamt about being a new Cicero.⁴ Their fates also differed. After Domitian's assassination in AD 96, Martial hailed the new era of Nerva with enthusiasm, just to retire to Hispania even before Trajan returned to Rome as emperor, whereas Pliny's allegiance with the new dynasty is signalled by his appointments as *praefectus aerarii Saturni* in AD 98 and consul in AD 100. Later he was appointed *legatus Augusti pro praetore* of the province

1 See, for instance, Peter White, "The Friends of Martial, Statius, and Pliny, and the Dispersal of Patronage," *Harvard Studies in Classical Philology* 79 (1975), 265–300.

2 Mart. 10.20; Plin. *Ep.* 3.21. See Robert A. Pitcher, "The Hole in the Hypothesis: Pliny and Martial reconsidered," *Mnemosyne* 52 (1999), 554–61. See Ilaria Marchesi, "Silenced Intertext: Pliny on Martial on Pliny (on Regulus)," *American Journal of Philology* 134 (2013), 103–8, for the reasons why Pliny does not quote the entire poem, and the whole paper for the suggestive intertextual connections between Pliny and Martial beyond this pair of texts.

3 See the study of Ruurd Nauta, *Poetry for Patrons: Literary Communication in the Age of Domitian* (Leiden – Boston – Köln: Brill, 2002).

4 For a summary of Pliny's life, career and literary works, see Rosario Moreno Soldevila, *Plinio el Joven: Panegírico de Trajano* (Madrid: CSIC-Tirant lo Blach, 2010), xi–lxxiii.

Bithynia et Pontus, where he probably died.⁵ Under Domitian, both had lived and succeeded in their respective careers, so that after his assassination they were both compelled, to a lesser or a greater extent, to retouch their own portrait, to adapt themselves to the new political climate.

This chapter moves from political communication in a narrow sense to a wider approach, considering that writing literature in Imperial Rome can be envisaged as an act of politics.⁶ By analysing the reshaping of political messages in literary discourse, along with the negotiation of the author and his self-representation within a changing political environment, further questions related to political communication are addressed here. The ending of Martial's poetic career coincides with the change of dynasty operated and consolidated at the turn of the first century AD: yet, while the bulk of his epigrams were written under the Flavians, mainly under Domitian, the poet went on writing and publishing books under Nerva and Trajan, even after his retirement to Hispania. Therefore his late epigrams constitute an appealing corpus for reflecting on the aesthetic effects of political change and, consequently, on political communication, inasmuch as there is a conflict between the author's previous stance and the new messages he struggles to convey: in sum, they can be read as an attempt of the individual to be successfully incorporated in a new political scenario. Martial's strategies of self-fashioning are contrasted with Pliny's tackling of his political past as reflected in his literary activity, a matter which has received comparatively more scholarly attention.

5 Or not: see Greg Woolf, "Pliny/Trajan and the Poetics of Empire," *Classical Philology* 110 (2015), 133.

6 Mathew Roller convincingly argues in favour of a political reading of the apparently "unpolitical" poetic activity of Pliny the Younger in "Pliny's Catullus: The Politics of Literary Appropriation," *Transactions of the American Philological Association* 128 (1998), 265–304, esp. 300: "if 'politics' is understood in the broader sense, to refer (in addition to government) to a range of other strategies for controlling the distribution and flow of power in society, then Pliny's Catullan poetry is highly political: he seeks to make this poetry into a legitimate, accepted arena of aristocratic competition, and through it aims to elevate his status among his peers. Moreover, the concrete manifestations of this enhancement of status—a wider and more positive reputation, greater deference paid to him, more clients (hence more appearances, on more important cases, in the centumviral court), for example—might in turn yield results that are 'political' in the narrower sense: he might, perhaps, speak earlier in senatorial debate, or play a larger role within the emperor's *consilium* (see, e.g., *Ep.* 6.31), or receive more favorable consideration for further magistracies or other posts in the government. Pliny's appropriation and display of Catullan polymetric verse must be seen as one of a number of emerging strategies for reputation-building in the early empire, strategies which are 'politically' significant in both senses of the word".

More specifically, this paper aims to survey and analyse some of the subtle literary strategies of self-fashioning that Martial uses in his Book 10, purportedly a revised edition. Since much scholarly work has focused on its intertextual interactions with Augustan poetry, here Martial is read in the light of one of his contemporaries, Pliny, in order to prove that intertextuality does not exclusively operate at a literary level. A comparative reading of these two men of letters in a moment of political transition may offer a more complex and balanced insight into their work, revealing the intricate interplay between literature, autobiography and political history. Martial's presentation of his book as "a work in progress" is, as will be argued, a powerful image of the changes undergone in his literary—and political—self-portrait through time. A comparative approach to this and other strategies of self-representation may illuminate not only the complexities of both authors but also the troubled period they witnessed.

11.2 Pliny and Martial Before and After the Succession Crisis of AD 96

Pliny's *cursus honorum* had developed smoothly in the early nineties, and at the end of Domitian's life, he had been prefect of the *Aerarium militare*, probably from 94 to 96. After Domitian's death, however, he is not known to have occupied any post in 97. Some of his letters were supposedly written in this period, but they were published much later, when his position was secure at the beginning of the second century. Martial, however, twenty years his elder, had published a book of epigrams every year for more than a decade, from 86 to 96, usually coinciding with the annual celebration of the *Saturnalia*.⁷ Yet, this sequence is altered in 97. Book 11 was issued at the beginning of Nerva's reign, in 96, saluting the new Emperor with joy and relief. The following year no book was published, and in 98 appeared a new edition of Book 10, originally dating from 95.⁸ There is an evident year-and-a-half gap in his poetical production that needs to be explained.

7 Mario Citroni, "Marziale e la letteratura per i Saturnali (poetica dell'intrattenimento e cronologia della pubblicazione dei libri)," *Illinois Classical Studies* 14 (1989), 201–26.

8 Apparently, Book 9 was issued in AD 94, and Book 11 in AD 96. Most critics assume that there had been a first edition of Book 10—now lost—edited in AD 95 and replaced in AD 98 by a second edition: Mart. 10.2.1–3. See, for instance, Georg Damschen and Andreas Heil, *Marcus Valerius Martialis. Epigrammaton liber decimus* (Frankfurt: Peter Lang, 2004), 1–8; Claudio Buongiovanni, *Gli epigrammata longa del decimo libro di Marziale, Introduzione, testo, traduzione e commento* (Firenze: Edizioni ETS, 2012), 19. Niklas Holzberg, "Martial, the Book

Each of Martial's books of epigrams had its own flavour, in addition to being related specifically to its contemporary environment. Yet, the Emperor Domitian had progressively become the dominating figure, the number of epigrams devoted to him or his collaborators increasing with every subsequent issue.⁹ Probably the *summum* was reached in the first edition of Book 10 and this might be one of the reasons why Martial felt the need to publish a new edition.¹⁰ Why this *damnatio memoriae* only affects the last of his Domitianic books is apparently difficult to explain, unless we resort to complex editorial planning.¹¹ A straightforward answer might be that perhaps it was easier to trace back the copies of a book recently published, or rather that in Book 10 there was something else of which he felt ashamed. Proximity is, certainly, a determinant factor.¹² However, the purported first edition is unknown to us,

and Ovid," *Hermathena* 177–178 (2004–2005), 209–24, has suggested that there was no second edition of Book 10 and that this is all a trick by the poet. According to him, both Books 10 and 11 were written after the death of both Domitian and Nerva. Even so, the gap in Martial's production remains (from 94 to 98) and needs explaining, together with the refashioning of the poetic voice in Book 10. Even if there was no previous edition, the fact that Martial announces Book 10 as a reworking of an earlier version makes the reader aware of a change: "Authorial revision is a more or less invisible aspect of all literary composition. When an author chooses to advertise the revised status of a text, s/he invites the reader to look for the strategy involved in making this aspect visible" (Francesca Martelli, *Ovid's Revisions: The Editor as Author*. Cambridge – New York: Cambridge University Press, 2013, 1); "the 'original' may be nothing more than an idea, but revision, when advertised, makes of this idea an extremely powerful fiction" (*ibid.*, 14). Still there is no way to know whether Martial did indeed publish Book 10 before Domitian's death, but he invites us to see that there has been a change, a process of adaptation in this 'new' book.

9 Christer Henriksen, *A Commentary on Martial, Epigrams, Book 9* (Oxford: Oxford University Press, 2012), xviii.

10 "To judge from the proportion of poems flattering Domitian in Books 8 and 9, and given Domitian's increasing insecurity as the nineties progressed, it seems reasonable to infer that the original Book 10 must have surpassed its predecessors in the number and intensity of its imperial compliments": Kathleen Coleman, "Literature after AD 96: Change or Continuity?," *American Journal of Ancient History* 15 (1990 [2000]), 36.

11 Niklas Holzberg, in *Martial und das antike Epigram* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2002), and in "Martial, the Book", suggests that Book 10 was published only once (never as a second edition) under Trajan, and was followed by Book 11, dedicated to Nerva (already dead). Books 10–12 would form a trilogy within a twelve-book design. See Kathleen Coleman's criticism to this theory in *International Journal of the Classical Tradition* 12 (2006), 136–9.

12 It must be borne in mind that memory sanctions in epigraphy also tended to affect recent texts more often than older ones: "more recent texts from the years immediately before Domitian's death were more likely to be erased", Harriet Flower, *The Art of Forgetting*:

so that the second (self-censored) edition, published after Nerva's death and Trajan's accession, can only be compared to the one book published under Nerva (Book 11), just at the beginning of his short rule, and the nine *libelli* issued under Domitian (Books 1–9).

Nonetheless, the second edition of Book 10 should rather be called the third. We know that at the beginning of Nerva's reign, Martial had sent an abridged version of books 10 and 11 to the newly appointed Emperor, who happened to be an acquaintance of the poet.¹³ We have a trace of this in Book 12, where three poems which do not belong chronologically—probably added posthumously by an editor¹⁴—allude to this *libellus* sent to the new emperor through the imperial freedman Parthenius,¹⁵ who had had a leading role in Domitian's assassination and had been himself condemned to death by Nerva in AD 97, after the mutiny of Casperius Aelianus. The misplaced epigrams of Book 12 depict an emperor that is currently very busy¹⁶ and, obviously, new to post. This brief anthology—perhaps a first step towards a self-censored edition of Book 10—must date from the very beginning of Nerva's reign and must have contained some key epigrams to make sure that Martial swore allegiance to the new *princeps* and dissociated himself from the previous one. The poet welcomes a new time, which is characterised by the absence of fear (*metus*). Most interestingly, he wishes this situation to last and Nerva to reign for a long time:

Recta fides, hilaris clementia, cauta potestas
iam redeunt; longi terga dedere metus.

Disgrace and Oblivion in Roman Political Culture (Chapel Hill: University of North Carolina Press, 2006), 240. "Erasure of recent texts provide especially powerful testimony to the strong feelings of rejoicing, fear and uncertainty, or desire for political profit", Harriet Flower, "A Tale of Two Monuments: Domitian, Trajan, and Some Praetorians at Puteoli (AE 1973, 137)," *American Journal of Archaeology* 105 (2001), 625–48, esp. 645. For a thorough account on post-Domitianic *damnatio memoriae*, see the chapter "The Shadow of Domitian and the Limits of Disgrace", in H. Flower, *The Art of Forgetting*, 234–275. For a brief introduction to this concept, see Stéphane Benoist, "Martelage et *damnatio memoriae*: une introduction," *Cahiers du Centre Gustave Glotz* 14 (2003), 231–40.

13 Cf. Mart. 8.70 and 9.26. See C. Henriksen, *A Commentary*, 111.

14 Epigrams 12.4, 5, 11 and 15 are not present in the third family of manuscripts (γ), but only in those codices derived from the "Gennadian recension" (β). The same happens to 12.28, 29, 36 and 47. For a refutation of this editorial addition, see Holzberg, *Martial*, 145–7.

15 Rosario Moreno Soldevila, et al. *A Prosopography to Martial's Epigrams (forthcoming)*, s.v. *Parthenius*.

16 12.4.3–4: *Plura legant vacui, quibus otia tuta dedisti: / haec lege tu, Caesar; 12.11.5 si forte—sed hoc vix est sperare—vacabit.*

Hoc populi gentesque tuae, pia Roma, precantur:
Dux tibi sit semper talis, et iste diu.¹⁷

Wishes do not always come true; instead, they may end up giving away underlying anxieties. The transition was, as a matter of fact, far from smooth and AD 97 was a really turbulent year.¹⁸ In his *Panegyricus*, Pliny describes the mutiny that weakened Nerva's position and led to his adoption of Trajan in very dramatic terms.¹⁹ It was a momentous political crisis (*concussa res publica ruensque imperium*),²⁰ which was immediately—almost miraculously—solved with the appointment of Trajan: *statim consedit omnis tumultus*.²¹ The rhetorical account of the succession in a *gratiarum actio* is not to be taken at face value, since it relies on ideology, not on historical accuracy.²²

Both texts offer an idealised version of the succession crisis of the years 96–98. If we put them together with other works by these very authors dating from or referring to the same period, the picture becomes gloomier, to say the least. Martial's assertion that fear has disappeared contrasts with another testimony of these early days of Emperor Nerva. A letter by Pliny the Younger published much later, presents this period as a hectic, risky time, a kind of witch-hunt, especially for those who, like Martial, did not belong to the senatorial class:

Ac primis quidem diebus redditae libertatis pro se quisque inimicos suos, dumtaxat minores, incondito turbidoque clamore postulaverat simul et oppresserat. Ego et modestius et constantius arbitratus immanissimum reum non communi temporum invidia, sed proprio crimine urgere, cum

17 Mart. 12.5.5–8: "Unswerving honor, cheerful clemency, circumspect power now return. The terrors that were with us so long have taken flight. Loyal Rome, the prayer of your nations and your people is this: may your Leader ever be such as he, and long he be". Trans. Shackleton Bailey.

18 For the political uncertainty of this period, see John D. Grainger, *Nerva and the Succession Crisis of AD 96–99* (New York: Routledge, 2003).

19 Plin. *Pan.* 5.7–6.

20 Plin. *Pan.* 6.3.

21 Plin. *Pan.* 8.5.

22 What is more, recent scholarship points to a much more complex and darker account. See for instance Werner Eck, "An Emperor is Made: Senatorial Politics and Trajan's Adoption by Nerva in 97," in Gillian Clark and Tessa Rajak (eds.), *Philosophy and Power in the Graeco-Roman World: Essays in Honour of Miriam Griffin* (Oxford: Oxford University Press, 2002), 211–26.

iam satis primus ille impetus defremuisset et languidior in dies ira ad iustitiam redisset ...²³

The text shows that the assassination—as usually happens—had given way to a time of confusion and insecurity, and that the settlement of the crisis was, obviously, not as expeditious and harmonious as Pliny suggests in the *Panegyricus* and Martial in the poems addressed to Nerva. Nevertheless, these events are significantly not mentioned in Pliny's early letters (those written approximately in this period and collected in books 1–2), but years later, in retrospect.²⁴

In another interesting letter, written in the year 97, but published later,²⁵ Pliny asserts that that year had witnessed a great harvest of poets:

Magnum proventum poetarum annus hic attulit: toto mense Aprili nullus fere dies, quo non recitaret aliquis. Iuvat me quod vident studia, proferunt se ingenia hominum et ostentant, tametsi ad audiendum pigre coitur.²⁶

This flourishing of poetic talent contrasts with Martial's silence during this year. There is no extant book dating from 97, and Martial will later refer to his

23 Plin. *Ep.* 9.13: "In the early days after liberty was restored, everyone had acted for himself, brought his personal enemies to trial (if they were not too powerful), and had them condemned amid the general confusion and chaos. By contrast, I believed that the proper course, as well as the more effective, was to deal with this atrocious criminal not through universal hatred [of Domitian's times] but by bringing a specific charge against him at a moment when the first outburst had spent itself and the fury which was daily abating had yielded to justice". Transl. Radice.

24 Roy K. Gibson and Ruth Morello, *Reading the Letters of Pliny the Younger: An Introduction* (Cambridge: Cambridge University Press, 2012), 17, draw attention to "the creation of 'pools' of time—pools into which late-revealed fragments of autobiographical narrative can then be dropped", and refer specifically to *Ep.* 9. 13. "It is precisely this air of menace and uncertainty which is absent from Book 1. And if readers now return to re-read Book 1 in the light of this long-delayed information, some may find there much to admire in Pliny's carefully crafted image in troubled times of an optimism, a confidence and an enthusiasm for literary renaissance. But others will surely find much to query in the 'failure' to reflect the dark side of Nerva's reign" (*ibid.*, 29).

25 Gibson and Morello, *Reading the Letters*, 19–20.

26 Plin. *Ep.* 1.13.1: "This year has raised a fine crop of poets: there was scarcely a day throughout the month of April when someone was not giving a public reading. I am glad to see that literature flourishes and there is a show of budding talents, in spite of the fact that people are slow to form an audience". Transl. Radice.

silence: *et queritur nugas obticuisse meas* ("and he complains that my trifles have fallen silent").²⁷ Caution alone explains the gap in his poetic production in these months, but it only partially accounts for the retouching of his self-portrait in the second edition of Book 10 (henceforward 10₂).

11.3 Refashioning the Poet in Martial's Book 10

A second edition in a period of political change immediately recalls the idea of *damnatio memoriae*, the destruction of the fallen emperor's statues and the erasure of his name from inscriptions, decreed by the Senate after his death.²⁸ In this sense, Domitian disappears from Book 10₂ in a kind of *damnatio memoriae*.²⁹ Unlike Pliny, Martial cannot resort so openly to a well-known feature of "accession" or "restoration" literature, that of "predecessor denigration,"³⁰ inasmuch as an open attack to the dead emperor could be tantamount to acknowledging previous adulation and hypocrisy on his part, thus undermining his credibility in the eyes of the new emperor.³¹ How can the writer present

27 Mart. 10.18.4.

28 Suet. *Dom.* 23. 1.

29 Victoria Rimell, *Martial's Rome: Empire and Ideology in the Epigrams* (Cambridge: Cambridge University Press, 2008), 66–7: "While the ex-tyrant's existence is being erased from public monuments, Martial implicitly edits out his Domitian poems, backtracking and excising all that filthy flattery".

30 On the element of "predecessor denigration", see Edwin S. Ramage "Denigration of Predecessor under Claudius, Galba, and Vespasian," *Historia* 32 (1983), 201–14; "Velleius Paterculus 2.126.2–3 and the Panegyric Tradition," *Classical Antiquity* 1 (1982), 266–71; "Juvenal and the establishment: denigration of predecessor in the Satires," *ANRW* II 33.1 (1989), 640–707. In Mart. 12.5.5–8 denigration of predecessor is implicit, since Nerva, despite his role in Domitian's assassination, had been one of his *amici* and, thus, could be perceived as a successor. Yet, as Edwin S. Ramage ("Velleius Paterculus", 270) points out, "criticism of a predecessor (usually left anonymous) in a context of restoration, (...) was a common device of formal eulogy". He adds that "[i]n most cases, however, there is criticism of a predecessor or predecessors from whom the person being eulogized would naturally prefer to disassociate himself" (*ibid.*, 271): that would be the case of Trajan and Domitian, as seen in the *Panegyricus*, where the eulogy of the *optimus princeps* is build up with the portrait of the *pessimus princeps* (Moreno Soldevila, *Plinio*, xlv–xlvi). For the mechanics of predecessor denigration in post-Domitianic literature, see Michael Charles, "Calvus Nero: Domitian and the Mechanics of Predecessor Denigration," *Acta Classica* 45 (2002), 19–49.

31 Both tendencies, the remembering and the forgetting of the villain, are part of "post-mortem disgrace" and "are not always mutually exclusive", Harriet Flower, "Rethinking

himself and his work in a more positive light without giving the impression that he is a fraud? Mainly by reshaping his image as a poet by means of subtle strategies, some of which will be analysed in the following sections.

The self-fashioning of other authors such as Pliny has concerned scholars in recent decades, as will be seen below. Martial's *persona*,³² however, is a more elusive object of study, since his poetic voice becomes a protean character within his oeuvre. Yet, Martial the author—the implied author³³—can be glimpsed through his epigrams, intertwined with other fictional voices, and in Book 10₂ he invites the reader to ponder on his personal motivations and his literary activity. According to Hannah Fearnley,³⁴ Martial's reflections about himself and his poetry are conspicuous in this book, and “such an acute articulation of his *persona* and poetic identity seems no accident. It is a response to the changed conditions of poetic speech.”³⁵

11.3.1 *A New Beginning*

Book 10₂ differs from previous collections of Martial's from the very beginning. Instead of the poet's address to the emperor or a member of his court, it is the book itself, personified, that talks directly to the reader and tells them to make it as brief as they want by skipping pages or poems:

Si nimius videor seraque coronide longus
esse liber, legito pauca: libellus ero.
Terque quaterque mihi finitur carmine parvo
pagina: fac tibi me quam cupis ipse brevem.³⁶

With the exception of epigram 1.1, this is the first time that the book itself addresses the reader in the first person at the beginning of a collection.³⁷

Damnatio memoriae: The Case of Cn. Calpurnius Piso Pater in AD 20,” *Classical Antiquity* 17 (1998), 155–87, p. 180.

32 For the scholarly discussion on Martial's *persona*, see Sven Lorenz, “Martial 1970–2003,” *Lustrum* 45 (2003), 192–95.

33 A term coined by Wayne C. Booth in *The Rhetoric of Fiction*, 1961.

34 “Reading the Imperial Revolution: Martial, Epigrams 10,” in *Flavian Rome: Culture, Image, Text*, edited by A.J. Boyle y W.J. Dominik (Leiden – Boston: Brill, 2003), 631.

35 *Ibid.*, 632.

36 Mart. 10.1: “If I seem too large and long a book with colophon that comes too late, read a few items only: I shall then be a little book. My small pages quite often end with the end of a poem. Make me as brief for yourself as you like”. Transl. Shackleton Bailey.

37 See Claudio Buongiovanni, “Marziale, Libro X. Gli epigrammi 1 e 2 tra poesia, poetica e politica,” *Athenaeum* 97 (2009), 509–19, for an in-depth and subtle analysis of this epigram

Whenever Martial had started a book with a meta-literary epigram, it was him talking about the book and/or to the book.³⁸ This kind of beginning is significantly new, and it is a subtle but effective strategy to keep the author in the background, to detach his *persona* from his work. The poet has no control over his book, completely in the hands of the reader. This seems quite modern, but rather than a witty self-deprecatory *captatio benevolentiae*, it is also the anticipated acknowledgement of a defeat: “no matter how I may struggle to offer a portrait of myself, the readers can do (and will do) whatever they want with me and my work”. The poem invites the reader to adopt a creative role: by omitting epigrams in the reading process, readers become editors that abridge the book at will. It is true that the poet focuses on brevity as the criterion for the reader’s “editing process,” but the suggestion is that the book, rather than a final product, is some malleable material that is completed only through every single act of reading. The author and the patron—the traditional elements of literary communication in the epigrams—are replaced by the binomial work-reader, which implies a detachment from the immediate historical background and helps universalising the work: the book addresses the reader in an intimate, unmediated, atemporal dialogue.

The opening sequence is rounded off by a presentation of the second edition:³⁹

Festinata prior, decimi mihi cura libelli
 elapsum manibus nunc revocavit opus.
 Nota leges quaedam, sed lima rasa recenti;
 pars nova maior erit: lector, utrique fave,
 lector, opes nostrae: quem cum mihi Roma dedisset,

in the light of Ovidian intertexts and the tradition of Greek epigrams. According to him, this could be the first case in Latin literature of a prefatory epigram introducing a collection of epigrams (*ibid.*, 513): “si tratterebbe di un carne concepito separatamente della serie continua e composita che costituisce il liber destinato alla pubblicazione, ma ‘editorialmente’ integrato in esso e posto prima di tutti gli altri epigrammi per accompagnarli e presentarli”.

38 Cf. 2.1, on the book’s brevity (1–2 *Ter centena quidem poteras epigrammata ferre, / sed quis te ferret perlegeretque, liber?*); 3.1, Martial sends the book from Cisalpine Gaul to Rome; 5.1, the poet sends the book to Domitian; 6.1, the poet sends the book to Sextus, Domitian’s librarian; 8.1, Martial commands his epigrams to depose their characteristically wanton tone in a book dedicated to Domitian and his moral reforms; 11.1, Martial addresses the book, which will visit Parthenius in the imperial Palace.

39 According to Buongiovanni, “Marziale, Libro X”, 518, this is the “‘vero’ primo epigramma del libro”.

'Nil tibi quod demus maius habemus' ait.
 'Pigra per hunc fugies ingratae flumina Lethes
 et meliore tui parte superstes eris.
 Marmora Messallae findit caprificus, et audax
 dimidios Crispi mulio ridet equos:
 At chartis nec furta nocent et saecula prosunt,
 solaque non norunt haec monumenta mori.'⁴⁰

Here Martial seems to affirm that this is a revised version⁴¹ of some existing material and that the new part is larger than the old one, while invoking literary fame as the only perennial monument. Whereas in the previous epigram it was the book itself that addressed the reader in the first person, now it is Rome—also personified—that speaks to the author (lines 6–12): Rome gave him his readers as the best possible gift. Poetic immortality is an ever-present motif in Latin literature, and in this case there are formal echoes from Horace and Ovid,⁴² but the epigram gains new insight when read within its historical and literary context. The poem recalls a passage of Pliny's *Panegyricus*, in which it is stated that the only eternal monuments are the emperor's virtues,

40 Mart. 10.2: "In composing my tenth little book, too hastily issued earlier, I have now recalled the work that then slipped from my hands. Some of the pieces you will read are already known, but polished with a recent file, the greater part will be new. Reader, wish well to both—reader, who are my riches. When Rome gave you to me, she said: 'I have nothing greater to give you. Through him you will escape ungrateful Lethe's idle waters and survive in the better part of yourself. The fig tree splits Messalla's marble, the bold muleteer laughs at Crispus' halved horses. But thefts do not harm paper and the centuries do it good. These are the only memorials that cannot die'". Transl. Shackleton Bailey.

41 The *recens lima* implies not only a revision in formal terms, but also in terms of content and political ideology (Buongiovanni, "Marziale, Libro X", 533). According to Elena Merli, "La *lima* e il testo da Ovidio a Marziale: poetica e comunicazione," *Cento Pagine* 4 (2010), 91, "la metafora della *recens lima*, se può certo esprimere un'idea di revisione formale, insinua anche il sospetto di un intervento di epurazione; il verbo *radere*, infatti, di per sé del tutto al suo posto in senso di correzione stilistica o del tagliare e abbreviare una raccolta (così Mart. XII 4, 2), è però anche, insieme a *eradere*, attestato in relazione alla *damnatio memoriae* di imperatori o uomini politici, una procedura che il lettore contemporaneo aveva certo ben presente. La *lima* dell'epigramma X 2 agisce dunque in realtà nel senso di una revisione politica del testo, consistente non tanto nel rivedere dettagli e minuzie ma, per lo più, nell'eliminare interi epigrammi e sequenze di epigrammi sia compromettenti che ormai anacronistici, esposti nell'adulazione del passato imperatore". See also Elena Merli, *Dall'Ellicona a Roma: Acque ispiratrici e lima poetica nell'Ovidio dell'esilio in ella poesia Flavia di omaggio* (Berlin – Boston: De Gruyter, 2013), 177.

42 Buongiovanni, "Marziale, Libro X", 521–5; Rimell, *Martial's Rome*, 67–70, 75–6.

in comparison to Domitian's destroyed statues.⁴³ Martial does not overtly withdraw his previous flattery of Domitian⁴⁴—the fallen emperor is not even mentioned in the whole collection, as though *damnatio memoriae* entailed the illusion that he never existed—, but the tangible imagery of decaying statues is very powerful, especially in contrast to Book 9, in which the statues of the living Domitian had been a prominent leitmotif.⁴⁵ Yet, the claim to poetical immortality reveals a paradoxical inner tension, since the final couplet, however, “is a grim reminder that this is in fact not true, as demonstrated by the public book burning (Agricola 2.1). If writers and their works are to survive, the implication is, they must not only please the reader (the addressee of 10.2) but also operate within limitations that are all too familiar. *Libertas* belonged (if it ever belonged at all) to the heady days of late 96 and early 97; as far as Martial is concerned, the party is now over. The ultimate irony of that final couplet is that Martial has himself engaged, and successfully engaged, in his own book burning.”⁴⁶ He/his work will survive, but only partially: *meliore tui parte superstes eris*.⁴⁷

There follow three more programmatic epigrams (3, 4 and 5), two of which must be new as well (3 and 5),⁴⁸ since they bear witness to the unstable position of a satirical poet in times of political instability. Like some poems from previous books, they deal with the question of authorship, but in a different way. Apparently, an anonymous poet (*poeta quidam clancularius*) has

43 Plin. *Pan.* 55.9.

44 He does so, but implicitly, according to Buongiovanni, “Marziale, Libro X”, 521, since the term *festinata* could allude not only to “*celeritas*” and “*facilitas creativa*” but also to “*servitium*” and “*adulatio*”.

45 See Sven Lorenz, “Martial, Herkules und Domitian: Busten, Statuetten und Statuen im *Epigrammaton Liber Nonus*,” *Mnemosyne* 56 (2003), 566–84.

46 John Penwill, “Compulsory Freedom: Literature in Trajan's Rome,” in *The Art of Veiled Speech: Self-Censorship from Aristophanes to Hobbes*, edited by Han Baltussen and Peter J. Davis (Philadelphia: University of Pennsylvania Press, 2015), 184.

47 Mart. 10.2.8.

48 Rather than a possible “hangover” from the previous edition (V. Rimell, *Martial's Rome*, 74), “out of synch” with the new *libertas* that theoretically makes adulation impossible (Mart. 10.72), epigram 5 and also 3 must be new. They do not allude to dangerous censure on the part of the Emperor (Suet. *Dom.* 8.4), but to the possibility that powerful people might feel offended by his poetry (or poetry attributed to him) in a period of political turmoil and open vendettas. Carlo Di Giovine, “Marziale e i componimenti diffamatorii. Tipologie e forme della autodifesa,” *Bolletino di Studi Latini* 33.1 (2003), 85–7, distinguishes these two epigrams as a special kind of self-defense, not to be found in any other book of Martial's, but he does not offer any socio-historical explanation for this unique pair of epigrams.

been maliciously spreading lampoons under Martial's name.⁴⁹ According to Sullivan, "Martial's indignation in this cycle springs from the natural defensiveness of a notorious supporter of a now discredited regime."⁵⁰ Yet, bearing in mind the text of Plin. *Ep.* 9.13 about the unsafe atmosphere after Domitian's death, the defensiveness might not necessarily be "natural", but a response to an actual danger: in poems 3, 5, and later 33 Martial attempts to defend himself from an attack, to clean up his own image, trying to secure himself a less precarious position. The virulence of these attacks, the pungency of their style that recalls Ovid's *Ibis*,⁵¹ seems to be proportional to the danger that a bad reputation as a satirical poet may lead to in times like this.

As a coda to the opening epigrams comes the new emperor. Whereas in previous books, the emperor made his entrance either at the beginning of the book or in the second or third epigram, Trajan is introduced in epigrams 6 and 7 and he is not even addressed directly. Despite the scholarly debate on this matter,⁵² a reasonable explanation can be found for this belated appearance of the new emperor. On the one hand, once Domitian and Nerva, who were familiar with his work, have died, the poet struggles first to restore his image and his prestige, especially if he has been put on the spot, as he claims. So it is urgent to do so right at the beginning. On the other hand, the emperor has been appointed outside Rome and has not come back yet. His greeting is thus naturally delayed and indirect.

49 Mart. 10.3.5.

50 John P. Sullivan, *Martial: The Unexpected Classic: A Literary and Historical Study*. (Cambridge: Cambridge University Press, 1991), 46.

51 Rimell, *Martial's Rome*, 73.

52 Claudio Buongiovanni, in "Gli epigrammi 10,6–7 di Marziale e l'attesa per il ritorno dell'imperatore: formule, riusi lessicali e strategie celebrative," *Bolletino di Studi Latini* 44 (2014), 471–488, emphasizes Martial's failure to gain Trajan's favour in these two epigrams. According to him, these epigrams show a "difetto di comunicazione" (472), since they eulogise the emperor by resorting to the same expressions he had already used to flatter Domitian. Alessandro Fusi, "Marziale e il fantasma di Scorpo. Nota a 10.48.23," in *Latinitas est, et legitur. Prospettive, metodi, problema dello studio dei testi latini*, edited by Raffaele Perrelli and Paolo Mastandrea (Amsterdam: Adolf M. Kakkert Editore, 2011), 261, also interprets Book 10₂ as a failed attempt of the poet to ingratiate himself to Trajan. Fearnley ("Reading the Imperial") concludes that four epigrams about Trajan in the book are too few: "Martial's silence about Trajan is deafening" (619), and that this suggests a veiled criticism of the new regime. Nauta (*Poetry for Patrons*, 440) adopts a more neutral position and argues that these epigrams are "better seen as an acknowledgment that even without personal patronage, a subject had to honour the emperor".

11.3.2 *Retractatio: Minor Retouches?*

Rather than attempting a radical reshaping of his self-portrait (that is, detaching himself from his past in an overt way), Martial makes subtle changes via *retractatio*, the revisiting of motifs treated in previous compositions and the reconsideration of his views. Two examples will suffice. Whereas in 9.97—published under Domitian—he boasted literary fame and general acclaim, which provoked the jealousy of a poetic rival, and he relentlessly insisted on this idea of success and envy,⁵³ now he plays down his accomplishments in an epigram that also recalls the opening poem of Book 1:⁵⁴

Undenis pedibusque syllabisque
et multo sale nec tamen protervo
notus gentibus ille Martialis
et notus populis—quid invidetis?—
non sum Andraemone notior caballo.⁵⁵

There is no need to envy him, because he is less famous than a racing horse. This disparaging technique may be an example of false modesty, or a complaint, but also an attempt to minimise the reach of his previous collections. The poet seems to be saying: “Do not bother with me, my books are inoffensive because I am not that famous after all.”

Another poem that has attracted the attention of scholars is a *retractatio* of epigram 8.30. There Martial praised the bravery of a *damnatus* in the amphitheater who willingly burnt his own hand in the fashion of a legendary character, Mucius Scaevola. Yet in poem 10.25 Martial explains this supposed valour otherwise. The convicted offender, condemned to perform a macabre charade by burning his hand, did it under the coercive menace to die by burning in the

53 “Rumpitur invidia quidam, carissime Iuli, / quod me Roma legit, rumpitur invidia. / Rumpitur invidia, quod turba semper in omni / monstratur digito, rumpitur invidia. / Rumpitur invidia, tribuit quod Caesar uterque / ius mihi natorum, rumpitur invidia. / Rumpitur invidia, quod rus mihi dulce sub urbe est / parvaeque in urbe domus, rumpitur invidia. / Rumpitur invidia, quod sum iucundus amicis, / quod conviva frequens, rumpitur invidia. / Rumpitur invidia, quod amatur quodque probatur: / rumpatur, quisquis rumpitur invidia.”

54 Mart. 1.1: “Hic est quem legis ille, quem requiris, / toto notus in orbe Martialis / argutus epigrammaton libellis: / cui, lector studiose, quod dedisti / viventi decus atque sentienti, / rari post cineres habent poetae.”

55 Mart. 10.9: “I, Martial, known to the nations, known to the peoples for my verses of eleven feet and eleven syllables, and my wit, abundant but not over-bold (why do you all envy me?), am no better known than Andraemon the horse”. Transl. Shackleton Bailey.

so-called *tunica molesta*.⁵⁶ Apparently the poet addresses the reader, but the criticism encompasses his former views: *Si patiens durusque tibi fortisque videtur, / Abderitanae pectora plebis habes* (10.25.3–4). Martial hits the raw nerve of political propaganda and gullibility, admitting his own guilt as part of the stupid mob (*Abderitanae ... plebis*), but not as a wheel of the propaganda machine.

11.3.3 *The Leitmotif of Client Life*

Client life is a recurrent theme in Martial's poetry of all times, but in this book we find a significant increase in the sheer number of epigrams related in some way to the topic of *clientela*. This is by far the book that contains more epigrams dealing with this motif, no less than twenty out of 104.⁵⁷ In Book 11, published in 96, there were only four. It is a tremendous difference. But it is not only the number, but also the quality of these epigrams that is interesting: Martial presents himself as a client that is exploited and humiliated by his many haughty patrons. Again there are many possible interpretations for this change: he is tired and he wants to retire to Hispania⁵⁸—another recurrent motif in the book—or he is eager to present himself as a needy poet who was forced to court undesirable friends in order to earn a living. Whereas in the previous book he identified himself with Vergil,⁵⁹ now he sides with an otherwise unknown poet called Mevius,⁶⁰ a poor poet that freezes because he has no money to buy a cloak, while the charioteer Incitatus is clad in scarlet.

The question of patronage appears in one of the few epigrams dedicated to Trajan.⁶¹ After the famous address to Munatius Gallus in search for protection against someone who is putting the poet at risk⁶²—and I believe that the risk

56 See Walter Hofmann, "Motivvariation bei Martial. Die Mucius-Scaevola und die Earinus-Gedichte," *Philologus* 134 (1990), 38–44.

57 This information was provided by Juan Carlos Tello Lázaro. According to him, the motif of client life appears in 10.10, 11, 15, 19, 20, 27, 29, 34, 36, 44, 56, 64, 70, 73, 74, 75, 82, 87, 96, 104, and is the main topic of fourteen of these compositions, whereas in Book 11 it featured in only four epigrams: 11.18, 32, 89 and 105. For an in-depth analysis of this element in Martial's epigrams, see Juan Carlos Tello Lázaro, *La clientela en Marcial: Un ejemplo del uso de las fuentes literarias para los estudios de Derecho Romano* (PhD diss., Universidad Pablo de Olavide, 2007).

58 Peter Howell, "Martial's Return to Spain," in *Toto notus in orbe. Perspektiven der Martial-interpretation*, edited by Farouk Grewing (Stuttgart: Franz Steiner Verlag, 1998), 173–86.

59 Mart. 11.3.

60 Mart. 10.76.8.

61 Mart. 10.34.

62 Mart. 10.33. There Martial coins the famous principle of his satirical poetry *parcere personis, dicere de vitiis*.

is life-threatening, not just a problem of literary interpretation—, Martial asks Trajan to protect his client. The poem is not easy to interpret, and this difficulty led Housman to emend *totum ... clientem* into *populum ... clientem*,⁶³ a significant change of the meaning of the epigram. Yet, the similarities between 10.33 and 34 are striking⁶⁴ and entice the reader into a combined interpretation: perhaps Martial pleads both Munatius Gallus and Trajan for protection, seeing himself in a disadvantageous position.

11.3.4 “Make New Friends (But Keep the Old?)”

As regards friends and patrons,⁶⁵ this is perhaps the most evident change from the “first” to the “second” edition. Apart from some unknown characters—Martial’s private acquaintances and fellow countrymen—, there are some actual or would-be patrons that are mentioned for the first time in the epigrams, whereas some others are no longer heard of (especially, and unsurprisingly, the imperial freedmen). It is true that Martial’s books are not a detailed account of his life and friendships,⁶⁶ but it is likewise relevant that some patrons from previous books are missing and that apparently new acquaintances are either kept or added to this new edition of the book. Perhaps it is to be concluded that, together with the dead emperor, some of his close collaborators must have also undergone the process of *damnatio memoriae* in Martial’s new edition, and that the poet now wants to highlight his familiarity with outstanding supporters of the new dynasty. Airing his connections is another way of presenting a better side of himself. Domitius Apollinaris was an old friend, a prominent political figure who was consul in AD 97: Martial dedicates two

63 Alfred Edward Housman, “Corrections and Explanations of Martial,” *Journal of Philology* 30 (1907), 249–50.

64 10.33 “Simplicior priscis, Munati Galle, Sabinis, / Cecropium superas qui bonitate senem, / sic tibi consoceri claros retinere penates / *perpetua* natae *det* face casta Venus: / *ut tu*, si viridi tinctos aerugine versus / forte malus livor dixerit esse meos, / *ut facis*, a nobis abigas, nec scribere quemquam / talia contendas carmina, qui legitur. / Hunc *servare* modum nostri novere libelli, / parcere personis, dicere de vitiis; 10.34 Di tibi *dent* quidquid, Caesar Traiane, mereris / et rata *perpetuo* quae tribuere velint: / Qui sua restituis spoliato iura patrono / — libertis exul non erit ille suis —, / dignus es, ut possis totum *servare* clientem: / *Ut* — liceat tantum vera probare — *potes*.”

65 On Martial and literary patronage, see Nauta, *Poetry for Patrons*.

66 See Sven Lorenz, “Martial and the Writer Canius Rufus,” in *Flavian Poetry*, edited by Ruurd Nauta, Harm-Jan van Dam and Johannes Jacobus Louis Smolenaars (Leiden – Boston: Brill, 2006), 328.

epigrams to him in Book 10.⁶⁷ Restitutus is a new character as well: he has been identified with Claudius Restitutus, who is mentioned as the advocate of Caecilius Classicus in the trial of AD 99.⁶⁸ Martial addresses two epigrams to Macer, who is presented as *curator viae Appiae* and as appointed governor of Dalmatia,⁶⁹ if a unitary character is behind this name, perhaps he is to be identified with Baebius Macer, consul in the early years of Trajan. Although he might have been the subject of praise by Martial much earlier, in Book 5, this is the first time that Martial addresses him directly.⁷⁰ Munatius Gallus,⁷¹ Frontinus⁷² and Pliny the Younger⁷³ are also probably addressed for the first time,⁷⁴ whereas longstanding friends who had not fallen from grace, such as Arruntius Stella⁷⁵ or Terentius Priscus,⁷⁶ are still present in this book. There is another acquaintance in Book 10₂, who might have been kept from the previous edition, Marcus Antonius Primus.⁷⁷ Their relationship is not new—he was the addressee of an epigram in Book 9⁷⁸—but keeping him in the second

67 He features in Mart. 4.86.3; 7.26.1,10; 7.89.2; and 11.15.12. In Book 10 he is the protagonist of 10.30 and, probably, 10.12, where he is called Domitius. See Moreno Soldevila, *A Prosopography*, s.v. *Apollinaris*.

68 Mart. 10.97, Plin. *Ep.* 3.9.16.

69 *Curator viae Appiae*: Mart. 10.18. Governor: 10.78.

70 5.28.5. He will be mentioned in 12.98.7 as proconsul of Baetica. Shackleton Bailey in the index of his edition considers that all the three characters named Macer in Books 10 and 12 are likely to be the same person: David Roy Shackleton Bailey, *Martial, Epigrams* (Cambridge, MA-London: Harvard University Press, 1993). There is a tendency to identify him with Baebius Macer, consul in 103 (Plin. *Ep.* 4.9.16). See R. Moreno Soldevila, *A Prosopography*, s.v. *Macer*¹.

71 Mart. 10.33.

72 Mart. 10.48.20; 10.58.1.

73 Mart. 10.20.

74 It has been suggested that the Caecilius of Mart. 5.80 could be Pliny as well (see Alberto Canobbio, *M. Valerii Martialis Epigrammaton Libre quintus*, Casoria: Loffredo Editore, 2011, 579–80), and that Munatius Gallus might have been the addressee of 1.108 (Peter Howell, *A Commentary on Book One of the Epigrams of Martial*, London, 329–30). See further Moreno Soldevila, *A Prosopography*, s.v. *Frontinus, Plinius and Munatius Gallus*.

75 Mart. 1.7.1,4; 1.44.3; 1.61.4; 4.6.5; 5.11.2; 5.12.7; 6.21.1; 6.47.1; 7.14.5; 7.36.6; 8.78.3; 9.42.7; 9.55.5,8; 10.48.5; 11.52.15; 12.2.11–12. See Moreno Soldevila, *A Prosopography*, s.v. *Stella*.

76 Mart. 6.18.3; 8.45.1; 9.77.2; 10.3.6; 12.1.3; 12.3.4; 12.14.2; 12.62.6; 12.92.1; cf. also 7.46; 8.12. See Moreno Soldevila, *A Prosopography*, s.v. *Priscus*⁴. Priscus is, significantly enough, the addressee of one of the self-defense epigrams in 10₂ (10.3). Priscus is a prestigious figure that knows the poet well and can be a guarantor of Martial's integrity.

77 Mart. 10.23, 10.32. See R. Moreno Soldevila, *A Prosopography*, s.v. *Antonius*².

78 Mart. 9.99.

edition of Book 10 posed no threat to the poet, inasmuch as he was retired from political life in his hometown, Toulouse. He becomes a powerful symbol for the *vita beata*, in a time of political upheaval.

11.3.5 *Old Age and Retirement*

Moreover, the presence of Antonius Primus provides a link between two further motifs in the book: old age and retirement.⁷⁹ Martial presents himself as an aging man: in 10.24 he says he is 57 years old (if the poem was written for the first edition he would be sixty by 98), and in several epigrams he deals with his returning home, Bilbilis Augusta in Hispania.⁸⁰ Old age is the subject matter of several epigrams in Book 10, both satirical and serious, some of which could be reinterpreted in autobiographical terms. Death as well.⁸¹ At the same time, there seems to be a centrifugal force in this book, since most of the characters, including Martial, appear to be outside Rome or on the verge of leaving: Domitius is going to Vercelli in 10.12; Quintus Ovidius to Britain in 10.44; Macer to Dalmatia in 10.78; Clemens to the Venetan region in 10.93. Trajan is not there, Marcus Antonius is in Toulouse, some other personal friends in Hispania,⁸² where Martial himself is preparing to set off. Actually in the final epigram he sends the book home in advance, out of Rome. So there seems to be a progression from the attempt to restore his prestige and adapt to the new situation of the first part of the book, to the implied defeat of a safe retreat in his homeland. In a linear reading, the book evolves as probably did the poet's feelings in his last months in Rome.

11.4 Can Pliny's Strategies to Up-date His Self-portrait Shed Light on Martial's Book 10?

Just as Martial's *Epigrams*, Pliny's *Letters* offer a wide panorama of his times, of the cultural and political atmosphere, of his friends and protégés, but from the other side, the side of the patron, of the senator. According to a much favoured scholarly trend, Pliny's main objective is, however, not to describe his world, but clearly to offer a self-portrait: in fact, his idea of happiness is based on his own reputation, as he acknowledges in one of his *Letters*: *ego beatissimum existimo*,

79 Or as Holzberg ("Martial, the book", 219) puts it, "'old age' and 'home-thoughts, from abroad'".

80 See Howell, "Martial's Return to Spain".

81 Rimell, *Martial's Rome*, 66.

82 Like Flavius, in 10.104.

*qui bonae mansuraeque famae praesumptione perfruitur, certusque posteritatis cum futura gloria vivit.*⁸³ His *Letters*, and also the *Panegyricus*,⁸⁴ are a sustained attempt to project a positive and lasting self-image, to show his good profile, a phenomenon that is not alien to the Roman senatorial class: “every member of the ruling class, whether emperor or citizen, carries out all activities of life, even private activities, with their public impact in mind.”⁸⁵ Even if this way of reading Pliny’s work may be as questionable as the prosopographical approach of previous scholarship,⁸⁶ it might still be useful to help understand Martial’s self-portrait in Book 10, although Martial himself is not overtly the main protagonist of his work as Pliny is. Much scholarly attention has been paid to Pliny’s self-fashioning, and, more specifically, to his efforts to be seen as a staunch supporter of the new emperor and disentangle himself from an embarrassing past, to avoid the stigma of being a collaborator of Domitian.⁸⁷ In this sense, I consider that Pliny’s work can be a touchstone for my reading of Martial’s Book 10. As has been stated above, Martial’s work has been read against his Augustan predecessors, but a comparison with a contemporary—despite the

83 Plin. *Ep.* 9.3: “my idea of the truly happy man is of one who enjoys the anticipation of a good and lasting reputation, and, confident in the verdict of posterity, lives in the knowledge of the fame that is to come”. Transl. Radice. See Roland Mayer, “Pliny and *gloria dicendi*,” *Arethusa* 36 (2003), 227–34.

84 See Carlos Noreña, “Self-Fashioning in the *Panegyricus*,” in *Pliny’s Praise: The Panegyricus in the Roman World*, edited by Paul Roche (Cambridge: Cambridge University Press, 2011), 29–44.

85 Stanley Hoffer, *The Anxieties of Pliny the Younger* (New York: Oxford U.P., 1999), 27.

86 See the balanced criticism of Ilaria Marchesi (*The Art of Pliny’s Letters: A Poetics of Allusion in the Private Correspondence*, Cambridge: Cambridge University Press, 2008), who summarises and reviews Mattias Ludolf, *Epistolographie und Selbstdarstellung: Untersuchungen zu den ‘Paradebriefen’ Plinius des Jüngerer* (Classica Monacensia 17), Tübingen: Gunter Narr Verlag, 1997, Hoffer, *The Anxieties of Pliny the Younger*, and John Henderson, *Pliny’s Statue: The Letters, Self-Portraiture and Classical Art*, Exeter, 2002. According to Marchesi, “all these critics are interested in detecting the traces left in Pliny’s text by social censorial mechanisms designed to keep in check any subversive authorial self-promotion (...) Pliny’s letters emerge from their readings as the tool through which the author effected change in his status either with his contemporaries or posterity” (5). See also Woolf, “Pliny/Trajan”, 135–36.

87 “That Pliny had enjoyed imperial favour and political advancement under Domitian, and that after the emperor’s death he sought through his writings to distance himself from the legacy of the hated tyrant, downplaying the rapid progression of his career during Domitian’s regime and even more or less concealing his tenure of specific posts, is now well understood”, Noreña, “Self-Fashioning”, 39. See also Flower, *The Art of Forgetting*, 263–64.

genre difference—can be as fruitful, or even more. I agree with Greg Woolf that “instrumental readings of the texts” are “reductive,”⁸⁸ but since Martial’s epigrams have long enjoyed interpretation that considers them “literary artifacts that function as ends in themselves,”⁸⁹ perhaps a balanced mingling of the two interpretative currents could be enlightening.

Can any of Pliny’s strategies illuminate the interpretation of Martial’s self-fashioning in the early days of Trajan’s rule? Let us explore some of them. Unlike Martial, Pliny can resort to offering a dark portrait of the dead emperor as *pessimus princeps*,⁹⁰ and he rewrites his own past by emphasizing the supposed dangers that had threatened him during his reign.⁹¹ Martial can only keep silent in this respect.⁹² On the other hand, Pliny plays down his own political career under the last of the Flavians,⁹³ a strategy that slightly recalls Martial’s debunking of his literary prestige in 10.9.

The most prominent coincidence is the fashioning of his self-image by alluding to his friends. Whereas Martial apparently wishes to air some contemporary connections, Pliny looks back to the past as well, and stresses his friendship with Domitian’s victims, like Helvidius Priscus, who had been condemned to death because Domitian had seen an implied satire of himself in one of his literary works.⁹⁴ This could shed light on some of Martial’s characters in his post-Domitianic books. Epigram 11.3, published in the early days of Nerva, is a belated epitaph for Paris, the actor executed by Domitian more than a decade earlier.⁹⁵ The brothers Turnus and Memor are praised in 11.10 (11.9 describes a statue of Memor, and in 11.10.2 Martial uses the past *erat*): it is suggestive that they are praised for writing satires and tragedies, two “dangerous” literary genres in the eyes of the powerful. One may also wonder whether some of the characters that Martial includes in Book 10₂ for the first time (and the

88 Woolf, “Pliny/Trajan”, 137.

89 Marchesi, *The Art of Pliny’s Letters*, ix.

90 Stanley Hoffer, “Divine Comedy?: Accession Propaganda in Pliny, *Epistles* 10.1–2 and the *Panegyric*,” *Journal of Roman Studies* 96 (2006), 86.

91 Plin. *Ep.* 4.24, 7.27. See Adrian N. Sherwin-White, *The Letters of Pliny: A Historical and Social Commentary* (Oxford: Oxford University Press, 1966), 303–4, 437.

92 Except for the implied criticism of 10.72, a text that should be read in the light of Plin. *Pan.* 2.3. See Moreno Soldevila, *Plinio*, LXVI–LXIX. On Mart. 10.72 see Ramage, “Juvenal”, 647, and Penwill, “Compulsory Freedom”, 184.

93 Plin. *Pan.* 94–95. See Noreña, “Self-Fashioning”, 39, n. 27 with more bibliography. See also Gibson and Morello, *Reading the Letters*, 34–5.

94 Plin. *Ep.* 3.11. See also Flower, *The Art of Forgetting*, 267–68, on the careful selection of acquaintances in Pliny’s letters.

95 In the year 82 or 83. See Suet. *Dom.* 10 for the incident.

last, because they are dead) could also be part of this trend of rehabilitating figures condemned by Domitian, as a way of redeeming oneself. Mart. 10.26 is an epitaph for Varus, an otherwise unknown figure who died in Egypt. Martial complains that he could not mourn him properly: (*spargere non licuit frigentia fletibus ora, / pinguis nec maestis addere tura rogis*),⁹⁶ and offers him a poem as eternal memorial (*sed datur aeterno victurum carmine nomen*), something of which the treacherous river Nile (*fallax Nile*) could not deprive him. It seems that it was the long distance what prevented the poet (*non licuit*) from attending his funeral, but the phrase *non licuit* hints at other motives. Pliny affirms that attending the recitation of Titinius Capito—who is writing about the deaths of famous men, some of them very dear to Pliny himself—is like listening to the *laudationes funebres* of those whose funerals he could not (*non licuit*) attend due to political reasons: *Videor ergo fungi pio munere, quorumque exsequias celebrare non licuit, horum quasi funebribus laudationibus seris quidem sed tanto magis veris interesse*.⁹⁷ One may also wonder whether Clemens, mentioned for the first and last time in Mart. 10.93, could be Titus Flavius Clemens,⁹⁸ Domitian's cousin executed by the Emperor in AD 95, and whether Sulpicia's⁹⁹ appearance in 10.35 and 38 could be interpreted in similar terms.

Finally, the muffled presence of the new emperor in Book 10₂ also has a counterpart in Pliny's earlier books: "He [Trajan] had rested offstage, occasionally alluded to or spoken of, and is in some sense the precondition of much of the post-Domitianic drama of the early books, yet he is never addressed".¹⁰⁰ We should then be cautious to extract definite conclusions from the relative absence of Trajan in Martial's collection, for we would run the risk of falling into naïve oversimplification.

11.5 Conclusions

Neither Martial nor Pliny were the only ones who had survived Domitian. And this includes many other knights and senators, and the emperors who followed, Nerva and Trajan. In one of his letters, Pliny records a remark by Mauricus to Nerva; when the latter asked what Catullus Messalinus—a well-known

96 Mart. 10.26.5–6.

97 Plin. *Ep.* 8.12.5.

98 André Balland, *Essai sur la société des épigrammes de Martial* (Bordeaux: Ausonius, 2010), 78–80.

99 See Moreno Soldevila, *A Prosopography, s.v. Sulpicia*.

100 G. Woolf, "Pliny/Trajan", 140.

delator of Domitian's reign—could be doing at the time, were he alive, the former replied nonchalantly: *Nobiscum cenaret*, “he would be dining with us”.¹⁰¹

Despite their different status and service record, both Martial and Pliny tried their best to remove even the slightest blemish of their recent past. In the case of Pliny, he seems to have been prompted by moral scruples, a certain feeling of remorse and his anxiety about his present and future reputation (and career). In Martial's case, the sole fact that he published a corrected (censured) edition of the last book written under Domitian,¹⁰² his being on the defensive, together with some other strategies of self presentation that I have discussed—mainly, the use of *retractatio* as a form of self-disparagement and retrospective detachment from the past or the presentation of personal relations and the rehabilitation of the dead that can be intuited—, point to a more pressing motive, and all this conflicts with the idyllic image of political transition depicted by Peter Howell: “All that was needed to do was to change one's tune, and join in the chorus of obloquy against the *damnatus*”.¹⁰³ A passing reading of the *Letters* could lead one to conclude that the fact that Pliny is more open about his self-presentation and his motives and Martial more oblique is proof of underlying tension for those who were not sheltered by their senatorial status.¹⁰⁴ Yet, the letters written in this period omit all the turbulent events of the succession crisis, some of which are “viewed only from an oblique angle, while others are the object of fleeting or cryptic reference.”¹⁰⁵ Pliny had time to write in retrospect about this period later in his life. Martial did not.

Even if their works are carefully crafted literary objects, one cannot read Pliny and Martial in isolation from their historical context, which is reflected both in what they say, but, most significantly, in what they do not. In a time when words were so hackneyed that both authors had to protest their sincerity (*veritas*),¹⁰⁶ silence was perhaps the only way to tell the truth: *Cur ego laborem notus esse tam prave, / constare gratis cum silentium possit?*¹⁰⁷

101 Plin. *Ep.* 4.22.

102 It does not matter whether the book was actually published or not.

103 Howell, “Martial's Return”, 185.

104 Penwill, “Compulsory Freedom”, 185.

105 Gibson and Morello, *Reading the Letters*, 24.

106 Unsuccessfully: “the frenzy to be sincere undermines itself”: Shadi Bartsch, *Actors in the Audience* (Cambridge, MA: Harvard University Press, 1994), 177. See Flower, *The Art of Forgetting*, 263, on Pliny's *Panegyricus*: “His publicly declared concerns conjure up a world of doublespeak and political innuendo in which meanings are always multiple and fear colors every word”.

107 Mart. 10.3.11–12.

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